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ENVIRONMENTAL RIGHTS MONITORING IN CONFLICT HOTSPOT AREAS: A CASE OF ZVISHAVANE MINING COMMUNITY

BY

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Abstract

The study looked at the monitoring of environmental rights in conflict hotspot areas focusing on Zvishavane mining community. The thrust of the study was on linking resource-based conflict and environmental rights violation of individuals and groups in mineral rich communities and assessing patterns of environmental rights violations. Furthermore, the study looked at environmental rights monitoring and documentation procedures taken by different stakeholders operating in mineral rich communities and human rights-based advocacy strategies used by human rights monitoring agents in conflict prone areas. The study used mixed methods which combined elements of qualitative and quantitative research approaches for the purposes of breath and depth of understanding and corroboration. Questionnaires, focus group discussions, key informant and observations were used as data collection methods. The study used the theoretical refence of Ecological Marxism which explains the ecologically destructive tendencies of capitalism. This explanation is built on what is referred to as the contradictions of capitalism by Marxists. In the case of ecological destruction, the contradiction lies in the tendency for capital to destroy nature as part of the process of expanding capitalism. The data was analyzed using themes and numerical valuations to understand causality whereas the findings were presented in a manner that responded to the research questions. The key findings of the research highlight that major conflicts are between local communities and mining companies. Medium scale miners were identified through the study as mostly in conflict with the local authorities and conflicts that exist in the communities were as a result of threatened livelihood. The study also identified that contributing factors to environmental rights violations in the communities include environmental degradation, dust, noise from blasting, disposal of dangerous materials and contamination of water bodies. These factors have led to environments that are insecure for human survival and consequently environmental degradation has had negative effect on livelihoods, health and security of people and animals. The major identified reason for the violations was lack of adherence to environmental regulations stipulated in the Environmental Management Agency Act and the Zimbabwean Constitution. The study also found that nonstate entities were more active in monitoring environmental rights than state entities. The non-state entities were further involved in building capacity of community-based monitoring structures. The main challenges to monitor environmental rights were identified as lack of adequate resources, negative political influence and technical capacity. The engagement and advocacy strategies for promotion and protection of environmental rights were identified to be heavily reliant on the work of non-state actors. The study, therefore, recommended that there must be early warning systems for environmental rights violations in conflict hotbeds. A proper registration should be followed by miners with local authorities given adequate power to influence the process. Communities should be engaged by mining companies as they are the ones who bear the brunt of environmental degradation. Environmental rights monitoring institutions should be well capacitated to effectively do their work.

Key Words: conflict, environmental rights, monitoring

Declaration

I declare that this dissertation is my original work except where sources have been cited and acknowledged. The work has never been submitted, nor will it ever be submitted to another University for the award of a Degree.

Tungamirai. A. Nyamakura   20/04/2020

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Dedication

This dissertation is dedicated to the Almighty God who has been with me from the beginning and he keeps his promises over my life. It is also dedicated to my late mother Zorodzai Kativhu.

List of Acronyms and Abbreviations

ACHPR	African Charter on Human and Peoples Rights
ACHR	American convention on Human Rights
AU	African Union
CBMSs	Community based monitoring systems
CBOs	Community Based Organizations
CCMT	Center for Conflict Management and Transformation
CLC	Community Liaison Committee
ECHR	European Convention on Human Rights
EIA	Environmental Impact Assessment
EMA	Environmental Management Agency
EO	Executive Officer
ERs	Environmental Rights
FPIC	Free, Prior, and Informed Consent
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organisation
MMAB	Mining and Minerals Amendment Bill

MNCs	Multi-National Companies
OHCHR	Office of the United Nations High Commissioner for Human Rights
RDC	Rural District Council
SADC	Southern African Development Community
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environmental Programme
WILSA	Women's and Law in Southern Africa
ZELA	Zimbabwe Environmental Lawyers Association
ZHRC	Zimbabwe Human Rights Commission

Definition of Key Terms

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values or goals (Diez, Stetter and Albert, 2006).

Environmental Rights is the individual or group access to the undegraded natural resources/ecosystem that allow survival, including land, food, water and air (UNEP).

Human rights Human rights are rights possessed by all human beings (at all times and in all places), simply by virtue of their humanity (Simmons,2001).

Human Rights Monitoring is a long and short-term observation and analysis of the human rights situation in a sphere of operation so as to understand trends and prevalence in order to make informed decisions and take strategic actions (Maehlum, 2008).

Table of Contents

List of Tables

List of Figures

List of Appendices

CHAPTER 1 INTRODUCTION

1.1 Introduction

Mining is one of the sectors that have had a huge bearing on the environment over the years. The continued extraction of mineral resources over the world has left a huge mark on the environment. The impact has had adverse effects on the livelihoods of the general populace (Adjei, 2007). The contribution to the impacts on environmental degradation have been caused by small scale miners, medium scale miners and big multinational mining companies as going to be explained further in the study. The study therefore looked into the monitoring systems of environmental rights in the resource rich communities using a case study of Zvishavane

1.2 Background to the Study

The protection of human rights in Zimbabwe has become an issue of concern since the turn of the millennium by international human rights institutions and other countries. Human rights violations have emerged in various forms and shapes including but not limited to; extra-judicial killings, forced disappearances, torture, arbitrary arrest and detention, political intimidation, social exclusion, sexual assault, threat to personal insecurity, environmental rights and limited access to adequate health among others (Zimbabwe Human Rights NGO Forum, 2018). Environmental rights from mining explorations have remained insignificant as compared to the other civil and political rights.

Human rights violations in Zimbabwe have taken place in an environment with a declining economy. In 2007, inflation rate was running at over 1 700 percent with the unemployment rate at over 85 percent and most people getting wages/salaries below the poverty line

(Rusvingo, 2014). The worsening economic conditions and changes in weather patterns saw many people who used to sustain their livelihoods through agriculture shifting to mining hence the rise of artisanal small-scale miners and illegal miners. The mining communities became hubs of criminal activities and unending conflicts between locals and mining migrants. The invasion of these areas by miners created a state of instability with a lot of human rights violations. Illegal gang like-panners wielding machetes have become an eyesore in the mining communities as they have terrorized local communities and other innocent miners.

Zimbabwe is rich in mineral resources bearing valuable minerals such as gold and diamonds and also other minerals mined in different parts of the country such as chrome, quartz, emerald among others. Gold and diamonds have attracted a lot of attention from business people and politicians due to their market value. In Zvishavane and Marange there are large deposits of diamonds. In 2007, there was a diamond rush in Marange with people from different parts of the country flocking in to get the precious mineral. This act saw a response from authorities who launched Operation *Hakudzokwe* (You will not come back) (Chikuhwa, 2013). Areas like Mazowe, Bindura, Shamva, Kadoma, Kwekwe, Esigodini, Zvishavane, Shurugwi and Mberengwa among others have large deposits of gold (Zimbabwe Environmental Law Association, 2018). This has influenced high inflow of legal and illegal miners in these areas. There is always a potent hand of political big wigs in running the cartels in different areas.

Mining in Zimbabwe has experienced an increase in number of artisanal small-scale miners (ASM) in the past 2 decades due to the rising value of mineral prices such as gold and the increased difficulty of getting a living from agriculture. Globally at a small scale,

an estimated 40.5 million people were directly engaged in small scale mining in 2017 compared to 30 million in 2014, 13 million in 1999 and 6 million in 1993 (IGF, 2018). Mining in Zimbabwe post-2000 was generally pursued as a route to counter poverty especially in areas where farming is not productive. At local level, there is a perception that mining provides a "get-rich-quick" option hence there has been a boom in the industry.

Mining operations have been categorized as artisanal, small-scale mining and large-scale mining. Their operations have been on the same concessions or neighboring concessions which has caused a lot of tension between operating schemes. The mineral governance frameworks in Zimbabwe tend to favor foreign direct investment by multinational companies over indigenous miners. There are significant power imbalances and clashes over claims (IGF, 2018) which has left a void in the recognition of ASM contribution and creating room for environmental degradation.

Different phases of Zimbabwean history have contributed to the economic malaise that can be attributed to the boom of the mining sector. This has been founded as the foundation of the of the environmental human rights violations by big mining companies and small scale artisanal miners in the country.

1.2.1 Background of Zvishavane

The Zvishavane community can be defined as a conflict hotspot area due to several indicators as there have been clashes between the local community residents against the big mining companies, small scale miners and some medium scale miners. Spiegel (2015) contributes that, the conflicts that existed between the miners and the community have

mainly resulted from the threatened livelihoods of these communities. Mines are putting in place measures to mitigate their impact on the environment and the people's livelihood (Mathe and Phiri, 2016). The conflicts have been coupled up by lack of support on community initiatives especially in the mineral value chain such as employment for local communities that allows communities to provide general services to the mining companies. The farmer-miner conflict has also been very prevalent in the communities as mining requires large tracts of land hence encroaching in farming spaces.
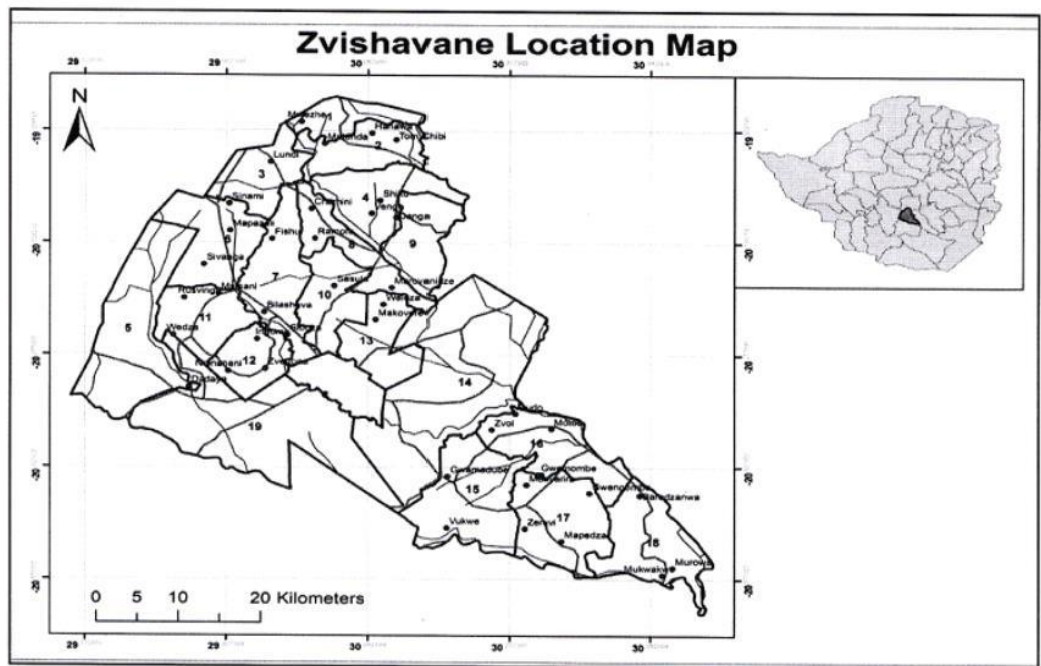
Figure 1: Zvishavane District Map

The conflict has not only been limited to the local communities against miners but also between miners themselves. The conflicts are mainly as a result of disputes over mining claims. The rush for minerals has seen double occupation of these claims especially in chrome sector and gold sector as mining claims were distributed using political channels. The gold sector in the district has attracted the use of machete violence by rogue elements

in the industry to try and forcefully control the sectors (Moyo 2019. The small-scale artisanal miners have also been in conflict with medium scale miners over mining space, as the operations of small scale miners have been highly unregulated and unmonitored in the district causing mayhem in the extraction of the precious resources. The Chinese companies have faced operational challenges as a result of small-scale miners in the area who feel that their activities do not add value and they can do a better job.

1.3 Statement of the Problem

The increasing rate of conflicts between miners and the host community in Zvishavane district has left the communities vulnerable to human rights abuse and violations (Mpofu, 2019). In the report produced by Zimbabwe Environmental Law Association (2018), Zimbabwe National Report on the State of Business and Human Rights in Mining Sector 2018: The Case of Mutoko and Zvishavane; indicated that there are gross violation of human rights in mining areas, particularly in Mutoko and Zvishavane where locals are subjected to discrimination, involuntary relocations, machete violence, farmer miner conflicts, disposal of toxic waste in water bodies and land degradation by mining companies and small-scale miners. Zvishavane district stakeholders have failed to access enough assistance for the monitoring and documentation of human rights violations as this can be attributed to a few cases that have been profiled as violations from mining institutions and illegal small-scale miners.

1.4 Research Objectives

The study will be guided by the following research objectives which are;

1. To explore the link between resource-based conflict and environmental rights violation of individuals and groups in mineral rich communities.

2. To assess patterns of environmental rights abuses and violations in terms of the types, frequency, and causes of human rights violation.

3. To investigate the environmental rights monitoring and documentation procedures taken by different stakeholders operating in these communities.

4. To analyze the environmental rights-based advocacy strategies used by human rights monitoring agents in conflict prone areas.

1.5 Research Questions

The study responded to the following research questions;

1. What is the link between resource-based conflict and environmental rights violation of individuals and groups in mineral rich communities?

2. What are the patterns of environmental rights abuses and violations in terms of the types, frequency, and causes of environmental rights violation?

3. What are the environmental rights monitoring and documentation procedures taken by different stakeholders operating in these communities?

4. Which environmental rights-based advocacy strategies are being used by human rights monitoring agents in conflict prone areas and how effective are they?

1.5 Assumptions

The study was premised on the assumption that resource abundance in communities were a gateway for human rights abuses and violations. As a result, the process of monitoring the human rights abuses and violations have been compromised due to power dynamics and imbalances within these resource rich communities.

1.6 Significance of the Study

Studies which sought to explore environmental rights monitoring in conflict prone areas were limited to localized levels leading to the majority of literature around environmental rights monitoring being pursued at country, regional and international level. The studies that have been conducted with focus mainly on violent conflicts that result in these violations by armed groups. This in turn has created an academic fallacy to the processes of environmental rights monitoring at local level. The study was therefore important in that it formed the rubric of environmental rights monitoring at local level focusing on the resource-based conflicts. It was also critical in adding to the body of knowledge for organizations that work directly with communities in the resource rich regions to develop intervention and monitoring strategies that seek to promote a conflict sensitive objective yet strengthening human rights-based approaches.

1.7 Delimitation of the Study

The study was focused on environmental rights in the conflict hotspot area of Zvishavane mining community. This gave an opportunity to explore the common conflicts and how they have a bearing on the environmental rights. The study for environmental rights monitoring was conducted in a manner that made it suitable for generalization with other mining communities in Zimbabwe.

1.8 Limitation of the Study

The study was being pursued in a more confined to conflict hotspot areas focusing on natural resource governance at local level and might fail to generalize the findings for other key drivers of violence such as political, religious and tribal conflicts which can also perpetuate environmental rights abuses and violations. The study had potential to face

challenges in getting the trust of the participants as the mining industry has become highly politicized in the district and province. However, through adherence to the ethical considerations and the process of sensitization, the researcher improved the confidence of the participants.

CHAPTER 2 REVIEW OF RELATED LITERATURE

2.1 Introduction

The monitoring procedures were extensively covered by the study and informs its basis. The review was conducted to appraise the existing knowledge regarding the focus of the current study, to identify gaps in the current literature, potential strategies and best practices on environmental rights monitoring in conflict hotspot areas. This helped to contextualize the focus of this study as a potential contribution to generating new evidence. The literature search was conducted utilizing journals, policy documents and legislation related to the topic of study.

2.2 Ecological Marxism

Ecological Marxism is distinctive from the environmentalists whose focus is on the wrongness of anthropocentrism. Even with their diverse approaches, the latter have produced a common portrayal of the autonomy or integrity of nature. Thus, their stress on the debunking of the centrality of humans eventually emphasized on the gaining of new ways of understanding nature. Ecological Marxism, however, followed Marx's critique of capitalist production and accumulation. As could be expected, the eco-Marxists no longer just propose a new way of understanding nature, but also a new praxis in dealing with nature, one that stresses on human development as co-evolving with nature (Dagmang, 2014). This environmental praxis which takes a socialist-economics turn, has followed a leftist (Red) course but may also have arrived at the intersection of the Green Movement.

Human activities involve the use of the natural environment; Marx called this 'metabolism' the energetic exchange between society and nature through labour (Dagmang, 2014). When people work and produce things, nature is altered or disturbed;

when people consume things, nature is drawn in and transformed; when people interact with one another, nature is implicated. In one way or another, there is metabolism as humans adapt themselves to or exploit their environment.

An outcome of dealing with environmental problems is the rise of environmental thought that either mitigated or challenged the habitual source-sink treatment of nature. Practice (as green activism) and theory (as green theory) have developed and evolved as people preoccupied themselves with issues arising from the complex relations between social organizations and activities, on the one hand, and the natural environment, on the other hand (Dagmang, 2014). Thus, both environmental practice and theory were born out of people's confrontation with the twin problems of depletion and degradation.

Environmental literature has been crafted as different kinds of environmental issues confronted people. Various movements may have been dealing with the same environmental issues, but they embodied differences in perspectives as they give their respective views about causes of and solutions to problems.

2.3 Relevance of Theoretical Framework to the Study

According to Speth (2008), the current environmental crisis is not a consequence of national or international policy failures, rather a result of systematic failures of the capitalism we have today. Capitalism driven by MNCs, aims for higher perpetual growth and in the process generate larger environmental consequences, outstripping efforts to manage them. Speth (2008), proceeds to indicate that change cannot come from within the system, but it requires transformative change in the system itself. Thus, there is rejection of peace meal change.

The above arguments have been regarded considering the neo-Marxist perspectives, which is good at diagnosis than prescription. However Critical theorist support Marxists arguing that for complete change in personal and collective values. They argue that there is need for a post growth society that no longer seeks to accumulate resources but instead seeks to sustain and achieve ecological balance between human activity and resource depletion (Carlsnaes et al, 2002).

Environmental issues were usually connected with the pollution or depletion of the more visible resources such as land and water. Capitalism's wastes could overload natural systems with increasing amounts of by products as gases into the atmosphere, pollutants and toxins into bodies of water and the soil. The Marxist further argue that capitalism has created room for conflict within states (Risse, 1999). This is because the competition for resources and need to maintain political and economic hegemony as realists would put it, has exacerbated the violation of environmental rights.

2.4 Contextualizing Conflict in Development

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values or goals. Defined in its broadest terms, conflict denotes the incompatibility of subject positions (Diez, Stetter and Albert, 2006), often linked to incompatible normative expectations (Bonacker, 2009). This definition emphasizes the opposition or incompatibility at the heart of the conflict and initially leaves open the exact nature of these incompatibilities, i.e. whether they are between individuals, groups or societal positions; whether they rest in different interests or beliefs; or whether they have a material existence or come into being only through discourse.

Given this initial definition, conflict is not always characterized by violence, yet it might escalate and lead to destructive results, in the form of physical violence that is increasingly seen as legitimate as conflict intensifies. However, conflict can also lead to new forms of social and political organization and therefore be productive if the parties involved are able to deal with their incompatibilities so that such new organizational forms are achieved. Conflict is thus present in generally peaceful situations, but it remains confined to isolated instances and so does not take on societal significance or is addressed within clearly defined and observed societal rules or is dealt with productively so that it generates a new form of socio-political organization through peaceful change.

2.4.2 Common Conflicts in Mining Communities

Contemporary studies show that, no single industry has precipitated more disputes over land use than mining. Though economically, a great number of rewards are reaped from its activities, the land demands placed by mines often cause severe community disruption and hinder the development of other potentially profitable industries such as small businesses, merchant services and small-scale fisheries.

Castro and Nielsen (2001, p. 229) explain, natural resource conflicts are typically ''severe and debilitating, resulting in violence, resource degradation, the under-mining of livelihoods, and the uprooting of communities'', and if not addressed, ''can threaten to unravel the entire fabric of society''. In short, each party wants to pursue its own interests to the full, and in doing so ends up contradicting, compromising, or even defeating the interest of the other (Odhiambo, 2000). In the context of mineral extraction and processing, activities can be extremely environmentally destructive and over the course of many years, can cause irreversible damage to surrounding landscapes.

Disputes over land often occur between mine management and community groups and as many of these conflicts are unforeseeable from the outset, few mining companies have in place appropriate land use policies for conflict resolution. Circumstances are severest in developing countries, where governmental intervention is minimal, regulatory frameworks are commonly incomplete and fewer effective support schemes are in place for community and industrial groups (Hilson, 2002). Compounding the problem is the fact that a number of these countries' governments, which have heavily promoted foreign investment in their minerals sectors in recent years, almost exclusively side with mining companies on key land use issues.

The most significant issue often overlooked by mine management is the actual cultural impact operations have on indigenous people. As Epps and Brett (2000) explain, these groups are commonly amongst the poorest segments of the population, and often engage in local economic activities such as small-scale agriculture, forestry and fisheries. Because groups typically reside in small, simple communities that are largely unexposed to global society, they are particularly vulnerable to the negative impacts of development, making it critical that important cultural resources are best managed. The strategy of several mining companies in the past was to provide both financial compensation and social support in exchange for land.

2.5 Background of Human Rights

Human rights are inherent to all human beings and are defined and established in more than 80 international legal instruments including notably, UDHR, ICCPR, ICESCR and ILO as the fundamental conventions. Human Rights define the fundamental protections

of human dignity, needs, and freedoms. Since the adoption of the UDHR in 1948, the responsibility to protect human rights has primarily fallen on governments.

The debate on human rights suffers from a dichotomy of the universal origin and applicability of human rights versus the cultural relativism of such principles. The advocates of the universality of human rights base their arguments in two traditions: metaphysical abstraction and legal positivism. The first assumes the formulation of natural rights as universal, timeless truths independent of social context. Influenced by the writings of Locke and Rousseau, "modern universalist theories on human rights are based on natural law, justice, reaction to injustice, dignity, equality of respect and concern, human capacities, moral agency and self-ownership" (Goodhart, 2003, p. 940).

Universal human dignity is a fundamental principle of human rights and from the inherent dignity of the human person that our rights derive. No environmental policy, or practice should have the effect of undermining or violating the dignity of any person or group of persons.

2.6 Global Overview on Environmental Rights

2.6.1 International Obligations

A central principle in international law is the obligation of states not to cause environmental harm. At present time, this is an area of the law which can no longer be appreciated without adding the considerable factor of the need to protect the environment and therefore the need to limit certain kinds of exploitation, whether foreign or domestic, which cause international waste and harm.

It has been observed that environmental problems, though they closely affect municipal laws, are essentially international; and that the main structure of control can therefore be no other than that of international law. In 2011, the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (Guiding Principles), the first international instrument to assign companies the responsibility to respect human rights (BSR, 2017). The Guiding Principles state that governments must put in place good policies, laws, and enforcement measures to prevent companies from violating rights; that companies must refrain from negatively impacting rights even when governments are failing to create or enforce necessary laws; and that victims of corporate abuses must have access to effective remedy (BSR, 2017). Furthermore, as part of this responsibility, the Guiding Principles require companies to undertake due diligence to identify and manage their negative human rights impacts.

Environmental rights which have always been based on the premise that human beings are entitled to a generally satisfactory environment has not yet received the support of a singular binding international agreement focusing primarily on environmental rights (Spohr, 2016). Adebowale, Church, Nduta, Boris and Panina (2001), indicated that environmental rights found recognition in binding regional instruments such as the ACHPR, ECHR, ACHR and UNECE's Convention on Access to information, public participation in decision making and access to justice in environmental matters.

International and regional human rights agreements and customary international law create obligations for the governments that are parties to them. Not only must governments refrain from violations of these rights, but they also have a duty to prevent such violations

from occurring within their borders (Inter-Ministerial Task-Force on alignment Legislation Technical Committee [IMT], 2017).

2.6.2 International law and Environmental Rights

The primacy of international law presupposes the supremacy of law over force in international relations (Environmental Change and International Law). Primarily international law requires recognizing the supremacy of values common to all mankind over all other values and interests, including giving the highest priority to human survival through the protection of the natural environment (Speth, 2008). The fact is that environmental concerns have for long been reflected in general international law and the relevant legal categories include the law of the sea, state responsibility, space law, the legal regime of Antarctica, and the non-navigational uses of International watercourses (Brownlie, 2002). Management of the global environment in general, and that of the global commons, requires international cooperation (Rao, 2002). It was not until 1972 that the important role of environmental factors was accorded formal international recognition. This conventional international environmental law can trace its roots back to the UN Conference on the Human Environment in Stockholm in 1972. At the global level, the Swedish initiative supported by the US led to the first global environmental conference, the United Nations Conference on the Human Environment at Stockholm in 1972, which led to the launching of the United Nations Environmental Programme (UNEP).

Principle 21 to the Stockholm Declaration provide that;

> States have in accordance with the Charter of the United Nations and the principles
> of International law, the sovereign right to exploit their own resources pursuant to

their own environmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction. (Stockholm Declaration, 1972, p.87)

The declaration therefore places obligations that seek to exploit the environment to ensure that there is stewardship of the environment. This obligation extends beyond the national borders.

2.7 National overview on Environmental Rights in the Mining Sector

2.7.1. The Zimbabwean Human Rights Architecture

The following are the key elements of the human rights architecture used by the Zimbabwe Human Rights NGO Forum (2018) in monitoring the human rights situation in Zimbabwe. Zimbabwe is a member of the United Nations (UN), the African Union (AU) and the Southern African Development Community (SADC). Several human rights instruments emanating from these bodies create obligations for Zimbabwe. Such instruments are used to monitor adherence and make the necessary recommendations to the Zimbabwe authorities.

2.7.2 The Bill of Rights

Chapter 4 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013, which enshrines the bill of rights, is the baseline for all human rights reports.

The United Nations Human Rights Council in the 2016 Universal Periodic Review Process encouraged the Government of Zimbabwe to repeal all discriminatory law. The

monitors of human rights also believe that the right to clean and safe environment guaranteed by section 73 of the Constitution

(1) Every person has the right

(a) to an environment that is not harmful to their health or wellbeing; and

(b) to have the environment protected for the present and future generations, through reasonable legislative and other measures. (Constitution of Zimbabwe, 2013, p.37)

2.7.3 Environmental Management Agency Act

Environmental Management Agency Act (EMA) was adopted into law in 2002 with the objective to promote sustainable management of Zimbabwe's natural and physical resources. Before the enactment of the Environmental Management Agency Act (EMA) into law, environmental legislation was contained in more than eighteen (18) different statutes administered by at least eight (8) different ministries (Henley, 1990 and Chinamora, 1995) resulting in fragmentation of environmental laws, their duplication and overlap, making it expensive to implement. The Act recognizes the environmental rights under Part II: General Principles of Environmental Management Agency and Functions of Minister Section 4;

Environmental rights and principles of environmental management

(1) Every person shall have a right to

a) a clean environment that is not harmful to health; and

b) access to environmental information, and protect the environment for the benefit of present and future generations and to participate in the

implementation of the promulgation of reasonable legislative, policy and other measures that—

    i.   prevent pollution and environmental degradation; and

    ii.   secure ecologically sustainable management and use of natural resources while promoting justifiable economic and social development. (EMA Act, 2002, P.7)

The Act further look at the monitoring of projects that have an impact on the environment under Section 106 of the Act as periodic environmental audits of any projects, including projects whose implementation started before the fixed date, for the purpose of ensuring that their implementation complies with the requirements of this Act (EMA Act, 2002). Section 108 further provide that an Environmental Impact Assessment report shall be open for public inspection at all reasonable times.

2.7.4 Mines and Minerals Act

Mining and mineral processing activities fall within the domain of the Mines and Minerals Act, Chapter 165 (1961) which is administered by the Ministry of Mines. The Act controls prospecting for minerals, establishment of mines and execution of all mining activities. The Act overrides all the other acts dealing with mining. However, it covers only a limited range of environmental issues once a mining permit has been issued (Maponga and Mutemererwa, 1995 as cited in Rajah et al, 2012). The main criteria for issuing a permit are technical and financial competence. By ignoring pollution and other negative impacts on the environment, the Act as a result leaves the way open for extensive timber felling, dump erosion leading to siltation of dams and rivers, and non-compliance with quittance requirements when mines are closed. The MMA supersede all other acts that underpin

community development when minerals are discovered. The law is not in harmony with Acts such as the EMA Act, Rural District Act and Water Act (Mupfumi and Masiya, 2016). The law is also not aligned to the new constitution with respect to environmental rights, 73(b)(iii) which provides for the right to sustainable development out of use of natural resources.

2.7.5 Mining and Minerals Amendment Bill (MMAB)

The MMAB has incorporated some essential changes to address current limitations in the Mines and Minerals Act of 1961. The provisions include the "use it or lose it policy" which prevent accumulation of mining claims for speculative purposes and the cadastre system which requires an Environmental Impact Assessment (EIA) to be undertaken before issuance of a mining title. According to Mupfumi and Masiya (2016), the MMAB is also proposing the setting up of the Safety, Health and Rehabilitation Fund (SHRF) which makes it mandatory for mining executives to account for environmental violations. This provision is in line with section 73 (b) (1) of the new constitution which oblige the state to pass legislation to protect the environment by preventing pollution and ecological degradation. Mupfumi and Masiya (2016), however recommend that Human Rights Impact Assessment and EIA be done before mining license is issued.

2.7.6 Water Act

Under the auspices of the relevant minister, the Water Act, Chapter 150, deals with the utilization of natural water sources and the sinking of boreholes. Section 101 of the Act deals with pollution of natural water bodies through the disposal of solid or liquid waste and is administered by the Minister through river boards. Under the same act, abstraction

from water courses or bodies is permitted for the purpose of subterranean mine locations as put by Rajah, Dino and Stephens (2012). Thus, the Act seeks to ensure that the right to safe and clean water is protected.

2.7.7 Environmental Impact Assessment

The EMA Act of 2002 Part XI provide for the procedures and requirements for one to obtain an Environmental Impact Assessment. The policy guideline requires specific projects to be prone to monitoring and for managing the environment. These plans should include mechanisms for regular reporting. The Government recognizes that EIA is not a panacea; rather its effectiveness will depend mainly on the administration of the policy through licenses and permits (Rajah et al,2012). However, the actual implementation of EIA is left to individual companies which could lead to a situation where companies look only at issues that matter to them.

2.8 State Obligations Towards Environmental Rights

The increased sophistication in appreciating the risks to the earth's environment, and the irreversible damage which may be caused by human activity, has resulted in a conscious effort, both by governments acting collectively and by non-governmental organizations, to invoke legal protection of the environment. International collaboration, on a scale not seen in the history of the world, is essential if mankind is to meet basic human needs while safeguarding the environment for future generations (Kapoor, 2009). The environmental inequalities in the world are paralleled by economic ones which are major obstacles to satisfaction of basic human needs, especially in developing countries, and a barrier to the harmonious development of mankind (Sinjela, 1984). Sands (2004) highlights that, the

obligation not to the risks to cause environment harm has its roots in the common law principle of *sic utere tuo ut alienum non laedus* (do not use your property to harm another). Thus the state carries the overall obligation over environmental rights stewardship.

2.8.1 Respect

To respect a right means refraining from interfering with the enjoyment of the right (Rutherford, 2018). Regarding obligation of respect, the state must act in a manner that does not infringe the recognized environmental rights.

2.8.2 Promote

This measure comprises of legal and policy initiatives driven by the government. Enactment of legal and policy frameworks should promote equal enjoyment of environmental rights. This is coupled by amending and aligning all types of legislation that do not conform to environmental rights (Spohr, 2016).

2.8.3 Protect

The obligation to protect requires a State to take measures that prevent third parties from interfering with the enjoyment of a right (International Commission of Jurists).. Protecting environmental rights especially for disadvantaged groups, help in eliminating nasty life which is propounded by Locke in his social contract theory.

2.8.4 Fulfill

Fulfilling and ensuring is an obligation that include interventionary policies and measures which help promote environmental needs for those who cannot self-support (BSR, 2017). Fulfilling environmental rights may be through financial and legal assistance to support

environmental protection. The state may not be capacitated to fully meet this obligation single handed but it creates an environment were other players such as private partners can help.

2.9 Environmental Rights Situation in Zimbabwe

It is widely acknowledged that environmental rights have a direct impact on human life, human conditions and the quality thereof and that these are all inextricably intertwined. Environmental damage can undermine human health immediately or increase the risk of future health problems (IIED, 2002). It can destroy a resource upon which humans rely for their livelihood.

These impacts, from the individual to the social, potentially violate rights protected by binding regional and international human rights treaties (UNDP and UN Environment, 2018). Therefore, the recognition of environmental rights as human rights in the constitution is a crucial step of progress towards the human rights discourse because of the interconnection between environmental damage and human rights.

Section 73 of the Constitution guarantees every person's right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations. The EMA Act (Chapter 20:27) provides for the sustainable management of natural resources and protection of the environment, the prevention of pollution and environmental degradation, the preparation of an environmental plan and other plans for the management and protection of the environment and the establishment of the Environmental Management Agency (EMA). The main perpetrators of violations against environmental rights for 2017 were the firms operating

in the extractive industry through mineral exploration and mining activities. Mining companies linked to government have been cited as the main culprits, in violating environmental regulations because they insist on starting operation before fulfilling the requirements.

2.10 Conception of Monitoring

Environmental monitoring is conducted by both governments and mining companies (UNDP and UN Environment, 2018). Mining companies conduct environmental monitoring by tracking environmental and social indicators in accordance with the environmental monitoring plan, which is usually part of the environmental management plan (EMP). Environmental monitoring at a project level acts as an early warning system, informs company management, and serves as the basis for environmental auditing, inspection and enforcement (UNDP and UN Environment, 2018).

2.10.1 Meaning and Purposes

Human rights monitoring is a broad term describing the collection, verification, and use of information to address human rights problems (Maehlum, 2008). Therefore, human rights monitoring is an observation process of a situation or cases over a period.

The most common general purpose of monitoring is to be able to pinpoint what is wrong with a situation or a case and to indicate what steps can be taken to remedy it. Monitoring is also undertaken to see whether steps that have been taken to improve a situation are working. Human rights monitoring has the following purposes, among others according to Ghetnet (2010):

- Ensure compliance with international and domestic human rights law by government authorities and citizens;

- Provide remedies for the victims of human rights violations and address impunity for human rights abuses by collecting evidentiary material for court cases, investigations by national human rights institutions, etc

- Identify patterns of human rights abuses and violations in terms of the types, frequency, and causes of human rights violation with a view to systemic solutions for addressing them;

- Inform and educate the public about human rights situations and ensure transparency for government and individual actions by establishing the human rights situation in a particular context through documentation; and,

- Validation to victims of human rights violations by amplifying the voices of victims and providing opportunities for those voices to be heard.

2.10.2 Human Rights Monitoring Bodies

Monitoring may be conducted by a wide profile of human rights actors among which three actors, namely inter-governmental bodies, NGOs and government organizations especially national human rights institutions, take important roles. National human rights commissions are generally mandated to study international standards, encourage their governments to adopt these, and call the attention of their governments if the adopted standards are not met. One way through which they monitor the compliance of their governments with obligations is by making contributions to the required periodic reports.

2.10.3 Approaches to Human Rights Monitoring

The approaches adopted by various actors in monitoring human rights may differ as a factor of what is monitored, thematic scope or focus, and the intended purposes.

Situation monitoring focuses on a situation in general in terms of the recurrence of violations, progress in relevant human rights legislation and the performance of human rights institutions (Ghetnet, 2010). This form of monitoring is useful for the purpose of monitoring government compliance with treaty obligations as well as for domestic monitoring. Case monitoring, on the other hand, is very focused and victim-oriented and involves work for or on behalf of an individual victim or a group of victims. Follow up and documentation of developments in the case is an essential and integral part of case monitoring.

2.10.4 Identification and Selection of Sources of Information

 The process of identification of environmental human rights violation is based on the socio-economic status of a community supported by statistical empirical evidence. This is derived from the hazard and threat to the environment caused by individuals or entities. The recognized sources of information are statistics from government, CSOs and other independent bodies research findings. Emerging events are also a key source as they produce evidence data to the violations.

Socio-economic statistics refers to quantitative information compiled and disseminated by the State, through its administrative records and statistical surveys, usually in collaboration with national statistical agencies and under the guidance of international and specialized organizations (Office of the United Nations High Commissioner for Human

Rights, 2011). The use of a standardized methodology in the collection of information, whether it is through census operations, household surveys or through civil registration systems, and usually with high level of reliability and validity, makes indicators based on such a methodology vital for the efforts to bring about greater transparency, credibility and accountability in human rights monitoring.

Events-based data, on the other hand, is information relating to alleged or reported cases of human rights violations, identified victims and perpetrators. The standardization of the cases being brought before national human rights institutions and UN special procedures are highly accepted. Accurate assessment of the human rights environment in the area of observation, can help human rights monitors better analyze violations or trends of violations when they occur (Search for Common Ground, 2014). While such data does not provide comprehensive information on violations and precludes comparison over time or across regions, such indicative data has significant potential in terms of elaboration. Other sources of qualitative information used in human rights reports include household perception and opinion surveys and data based on expert judgments.

2.10.5 Challenges to Human Rights Monitoring and Documentation

In a decentralized structure the legal and regulatory frameworks are linked at the various levels of government. They must be structured so that power may be devolved from the central government to the provincial and district levels. There are problems if the systems are not transparent. There is always the problem that inspectors may be paid to ignore infractions, although this is generally harder to do in developed countries (UNDP and UN Environment, 2018). The process of implementing policies is mostly a corrupt one.

Despite having the regulatory frameworks as central requirements to implement a country's laws and manage local development initiatives and relations with investors and communities. Often governments lack capacity in their institutions and suffer a shortage of adequately trained people to prove clear and uniform enforcement at the field level (Smith, 2011). This deficiency is noticeable in all institutions including the CSOs and community formed groupings.

The process of monitoring is also affected by lack of political will. The gatekeepers in the development sector have always been regarded as compromised as they allow certain violations to the environment to take place as a result of rent seeking behaviors from miners (UNDP and UN Environment, 2018). Conflation between the state and the companies have also been regarded as the point in which the monitoring role of the state is diluted.

2.11 Summary

The chapter helped to define the main theoretical concepts of the study. A global overview of the study was shared and narrowing it to the local level. The discourse of environmental rights is grounded under the United Nations declaration for Human Rights article 25 (1) which indicates that, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. The United Nations Convention on Economic, Social and Cultural rights gave birth to specific focus on environmental rights under the third-generation rights. Environmental rights mean any proclamation of a human right to environmental conditions of a specified quality. Human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the

establishment of and respect for human rights. The Zimbabwe Constitution section 73 form the basis of Zimbabwean law governing environmental protection. The Environmental Management Agency Act form the basis of environmental substantive rights (fundamental rights) and procedural rights (tools used to achieve substantial rights).

CHAPTER 3 METHODOLOGY

3.1 Introduction

This chapter discusses and justifies the methodology used in this research. Research methodology is the overall approach to the entire process of the research study. The methodology process involved coming up with a research design in which it utilized mixed method. Tools for data collection were developed to collect qualitative and quantitative data as will be discussed more in the chapter. Focus group discussions, questionnaires, interviews and observations were used to collect data. The data collection was from selected institutions and community members from Zvishavane who could relate with the study objectives. Ethical considerations were taken by the researcher as going to be discussed.

3.2 The Research Design

The study used mixed methods which combined elements of qualitative and quantitative research approaches for the purposes of breath and depth of understanding and corroboration (Creswell, 2011). Qualitative data tends to be open-ended without predetermined responses while quantitative data usually includes closed-ended responses such as found on questionnaires or psychological instruments. Mixed Methods was the best for this study as it provided a convergent parallel mixed method in which the researcher converges or merges quantitative and qualitative data in order to provide a comprehensive analysis of the research problem. In this design, the researcher collected data at the same time, which was then integrated into information in the interpretation of the overall results. Contradictions or incongruent findings were explained or further probed in this design.

3.3 Population and Sampling

The target population is a set of elements larger than or different from population under study. Zvishavane District has a population of 72 500 in 19 wards. The study was targeting 270 community members from 5 wards where mining is very active under the Runde Rural District Council. The 5 wards have a population of approximately 18 042 according to Zimstat (2012). The study also covered Community leaders, Organized Community Groups, CSOs, ZHRC and police as the key informants. The researcher used Raosoft an online tool to calculate sample size for ordinary community members who were respondents to the study. Key informants were selected according to their relevance.

Site	KIIs	Focus Group Discussions		Structured Questionnaires	
		No. of FGDs	No. of Participants	Men	Women
Ward 3	2	1	10	20	20
Ward 5	2	1	10	20	20
Ward 6	2	1	10	20	20
Ward 17	2	1	10	20	20
Ward 19	2	1	10	20	20
Government Departments	7	-	-	-	-
CSOs and CBOs	3	-	-	-	-
Total	20	5	50	100	100

Table 2: Sampling Table

The following inclusion and exclusion criteria will be applied to the study;

- Inclusion Criteria:

  The study participants included community members from wards 3, 5, 6, 17 and 19 who were directly impacted on by mining activities. The 5 wards were included based on mining activity taking place in the area. At a ward level, key informants were councillors and a traditional leader. EMA District office, Ministry of Mines and Mining Development and Runde RDC official were targeted as key informants. CSOs and CBOs directly operating in the 5 wards were included.

- Exclusion Criteria

  The study excluded those that did not have a direct interest in monitoring environmental rights in the community such as mining companies and small scale artisanal miners.

3.4 Multistage Sampling

The Multistage Sampling is the probability sampling technique wherein the sampling is carried out in several stages such that the sample size gets reduced at each stage.

The multistage sampling was used as a complex form of cluster sampling for the 5 wards Zvishavane District. The cluster sampling was used as a random sampling technique wherein the population was divided into subgroups called clusters; then few clusters were chosen randomly for the survey.

While in the multistage sampling technique, the first level is similar to that of the cluster sampling, where the clusters were formed out of the population, but further, these clusters were sub-divided into smaller targeting groups, i.e. sub-clusters and then the subject from each sub-clusters were chosen randomly. Further, the stages were added depending on the nature of research and the size of the population under study.

The study utilized purposive sampling for key informants. Participants were identified through purposive sampling, a non-probability sampling method based on the population, knowledge and the researches aims and objectives. Kisely and Kendall (2011) contend that study participants in qualitative research are selected according to their capacity to provide data relevant to the phenomenon of interest and to inform the emerging theory". The researcher therefore was guided by the research question to select participants deemed to provide different perspectives and ranges of opinions relevant to the research questions based on the expertise by experience on the environmental rights monitoring, environmental law and environmental protection.

3.5 Data Collection Instruments

3.5.1 Structured Questionnaires.

The questionnaires were administered to the affected community members in the area. The researcher ensured that the questionnaires can exploit the collection of quantitative data and qualitative data.

3.5.2 Interview Guide.

The collection of data in this study was based on individual interviews with key informants. The researcher gathered information from EMA, Rural District Councils, Ministry of Mines Community leaders, Organized Community Groups, CSOs and ZHRC using key informant interview guide. This is a process whereby the researcher asked questions to the interviewee and the researcher made follow ups when the answers given were vague or when clarification was needed. In depth interviews allowed the researcher to understand the role of different stakeholders in the process of monitoring environmental

rights, the challenges they face, the opportunities that lie ahead at the same time get an overview and perception of the stakeholders.

3.5.3 Focus Group Interview Guide.

The researcher conducted FGDs with 10 community members from the 5 wards on environmental rights monitoring. This allowed the researcher to get rich data from the communities as it is coming from different voices with room to interact over the raised issues.

3.5.4 Observation

Observation technique was used to monitor the environment under study. This included looking at environmental stewardship in the area. An observation checklist was used to ensure that the necessary information was captured in the process.

3.6 Data Collection Procedure

The researcher used structured interviews with key informants, focus group discussions with members of the community and questionnaires were administered to community members in the mining communities under study. The procedures of data collection stemmed from identification and development of appropriate data collection tools. The tools were developed in English and translated in Shona which is the vernacular language for the community under study. The researcher furthermore adopted ethical considerations to ensure that there is full consent and voluntary participation. The tools were then tested through a pilot study to ensure that they serve the preferred study purpose. Authority to collect data from the communities was sought from relevant authorities which was

followed by engagement with the respondents in areas under study. Appointments were set to conduct interviews with key informants to the study.

3.7 Analysis and Organization of Data

Quantitative data was coded in a manner that provided the researcher with frequency, number, rate, or proportion related to the target population must be estimated or a variable such as violations must be measured. Quantitative analysis data is coded usually into measured and recorded as nominal or ordinal variables. The researcher was pre-coded the tools assigning codes to expected answers on designed questionnaire; i.e. 1 = Male;2 = Female. The analysis procedures in quantitative research involved the researcher's measuring the degree of association (or relation) between two or more variables using the statistical procedure of correlational analysis.

In analyzing qualitative data and interpretation, the researcher ensured that key words and themes are coded to ensure common patterns and trends are captured. Content analysis was used in this study which is a research technique used to make replicable and valid inferences by interpreting and coding textual material (Duriau and Pfarrer, 2007). Coding as a qualitative research process helped the researcher to make sense of text data, divided it into text or image segments, labels the segments, examined codes for overlap and redundancy and collapsed these codes into broad themes. Coding helped to condense and reduce large amounts of data to small and manageable data into analytical categories. This is an explorative process of narrowing data into a few themes (Creswell, 2014). This was classification of discrete concepts and these concepts were compared against another and appear to pertain a similar phenomenon, hence concepts were organized together under a higher order or abstract construct called category (Ryan, 2003). Powel and Renner (2003),

provides steps that were utilised in this study to analyze data, these include knowing the data, focusing the analysis, categorizing information, identifying patterns and connections within and between categories and interpreting or bringing it all together. Themes were developed from the data collected.

3.8 Ethical Considerations

Ethics are a set of moral principles or norms that are used to guide moral choices of behavior and relationships with others (Gray, 2005 in Neuman, 2007). The researcher ensured that there is informed consent, confidentiality, voluntary participation and honest dealing with participants.

3.8.1 Confidentiality

Confidentiality as an ethical consideration was taken aboard. This means that no participant is named or otherwise identified in publication which includes talks, papers, posters, photographs or any other publicly disseminated material (Sture, 2010:13).This assurance was highly emphasized alongside the concept of anonymity which Sture (2010:13), says it involves the above except that names and other identifies are not recorded on the data collection sheets, tapes or other records. Whilst the researcher took every practicable measure to ensure the confidentiality and anonymity of research participants, s/he also ensured not to give unrealistic assurances or guarantees of confidentiality (Research Committee of University of Gloucestershire, 2018). Research participants with easily identifiable characteristics or positions within an organization should were reminded that it may be difficult to disguise their identity totally without distorting the data. This was vital as it allowed participants to participate freely in the process of research which also gave credibility to the research

3.8.2 Informed consent

According to Armiger (1996) informed consent "it means that a person knowingly, voluntarily and intelligently, and in a clear and manifest way, gives his consent". Informed consent is one of the means by which a research participant's right to autonomy was protected. Beauchamp and Childress (2001), define autonomy as the ability for self-determination in action according to a personal plan. Informed consent incorporated the rights of autonomous individuals through self- determination. It also prevented assaults on the integrity of the participant and protect personal liberty and veracity.

Individuals made informed decisions in order to participate in research voluntarily only if they had information on the possible risks and benefits of the research. Free and informed consent was done through introducing participants to the study and its purpose as well as an explanation about the selection of the research participants and the procedures that was being followed. This was provided for in all the data gathering tools used by the researcher.

3.8.3 Voluntary participation

The researcher provided a "Non-coercive Disclaimer" which stated that participation is voluntary, and no penalties were to be involved in refusal to participate (Fouka and Mantzorou, 2011). The data collection tools indicated that refusal to participate or decision to withdraw will not result in any penalties or loss. Hence the aims of the study were explained to participants and informed about voluntary participation and the right to terminate their participation without fear of being victimized.

However, it was made clear how important the participant was and how much it means that he or she complete the study. it was explained that if participants do not follow procedures and the study is compromised, then opportunity, time, and money would have been lost.

3.8.4 Providing Credible Information

The researcher ensured that the report presented credible and trustworthy information that represented the views of the sample population. Compromise to credible data might have involved fabrication and falsification of data. Fabrication was viewed as the making up of data or results and recording or reporting them (Kamat, 2006). Falsification was regarded as manipulating of research materials, equipment, or processes, or changing or omitting data or results such that the research was not accurately represented in the research record (Kamat, 2006). The researcher provided feedback to the target group after finalization of the research report.

3.9 Summary

In this chapter, the researcher presented the research methodology, and the research design used for the study was a mixed method. The respondents to the research study were community members from ward 3, ward 5, ward 6, ward 17 and ward 19 of Zvishavane. The key informants engaged included councillors, EO Environment for RRDC, CLC members and EMA official. Chapter also discussed data collection tools used which included the semi-structured interview guides, data collection procedures, analysis of data and ethical which were adopted by the study.

CHAPTER 4 DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter presents the research findings which emanated from the research. The findings that emerged from the interviews were presented, analyzed and interpreted with the existing literature related to the topic of the study. Further to the discussion in Chapters 1 and 2, this study followed a mixed method research approach to develop an in-depth understanding of the environmental rights monitoring in Zvishavane district. The chapter therefore seeks to respond to the objectives of this research study, as highlighted in Chapter 1 (section 1.4). FGDs, key informant interviews and questionnaires were used to extract data from respondents. Tables and graphs will be used to present and summarize some of the findings from the questionnaires distributed to community members. Focus group discussion and key informant interviews will be presented as themes. The acquired data from observations will be presented further in pictorial format.

4.2 Data Presentation and Analysis

Response Rate

The research targeted a sample population (respondents) of 270. The response total rate was 94.4% with male respondents being 52.43% (129) and 47.56% (117) was of female respondents. The research also targeted 3 government institutions, 7 CSO and CBOs and 10 community leaders (Councilor and Traditional leader for each ward). The researcher could not reach to 8 of the community leaders, 2 government departments and 1 CSO hence the key interview response rate was at 45%.

Participants	Expected Respondents	Actual Number of Respondents	Response %
Residents (Questionnaires)	200	200	100%
Focus Group Discussion	50	46	96%
Key Informants Interviews	20	9	45%
Overall Response Rate	270	255	94.4%

Table 3: Percentage of response rate

Disaggregation By Gender and Age of Respondents

Age Range	Sex		Age Range Total (%)
	Men	Women	
18-24	7	5	12 (4.87%)
25-29	16	18	34 (13.82%)
30-34	30	27	57 (23.17%)
35-39	27	33	60 (24.39%)
40-44	20	10	30 (12.19%)
45-49	7	12	19 (7.72%)
50-54	10	5	15 (6.09%)
55-59	7	4	11 (4.47%)
60+	5	3	8 (3.25%)
Total	129 (52.43%)	117 (47.56%)	100% (+/-1)

N = 246

Table 4: sex and age of respondents

4.2.1 Presence of Resource Based conflicts

The respondents were asked to acknowledge whether there were existing conflicts within their communities that were as a result of mining activities. The following results were identified;
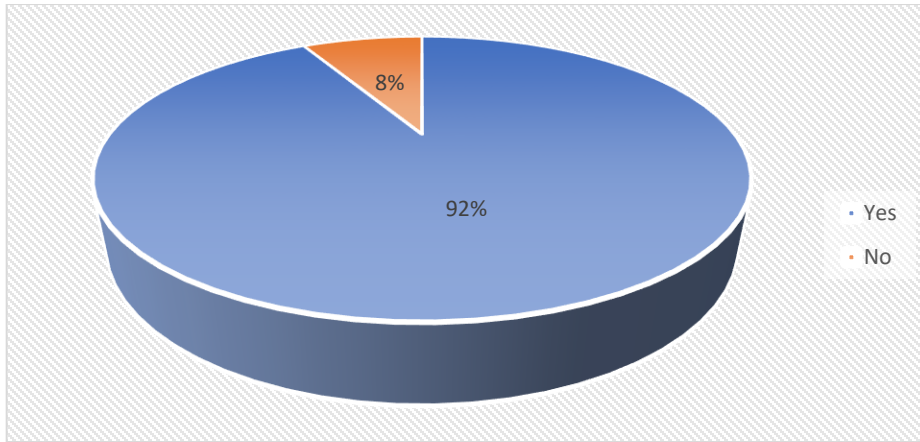
Figure 2 Existence of Resource Based Conflicts

The respondents were asked to indicate the presence of resource-based conflicts in their communities and the below diagram seeks to indicate the research outcomes. The respondents who indicated that there is resource-based conflict in the area under study were 92% (N=184). Those who shared that there were no conflicts in the district were 8% (N=16). This show high prevalence of conflicts in the areas under study.

4.2.2 Common Conflicts in Zvishavane Mining Community

The respondents shared that the common conflicts in their areas as shown in the graph below. The respondents provided multiple responses where applicable to indicate the common conflicts in the district. The respondents highlighted that farmer miner conflicts were 90% (N=180) whilst 92% (N=184) of the respondents shared that common
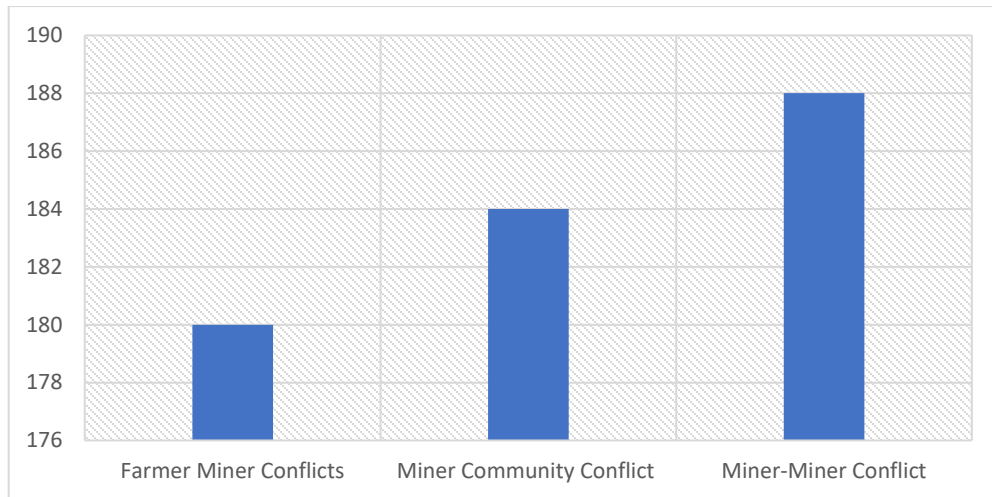
Figure 3: Common Conflict in Zvishavane District

conflict was miner-community conflicts. 94% (N=188) of the respondents indicated the existence of miner-miner conflicts.

4.2.3 Nature of Conflicts in Zvishavane District

The respondents were asked to share if the conflicts in the communities were violent. Below are the responses from the community members.
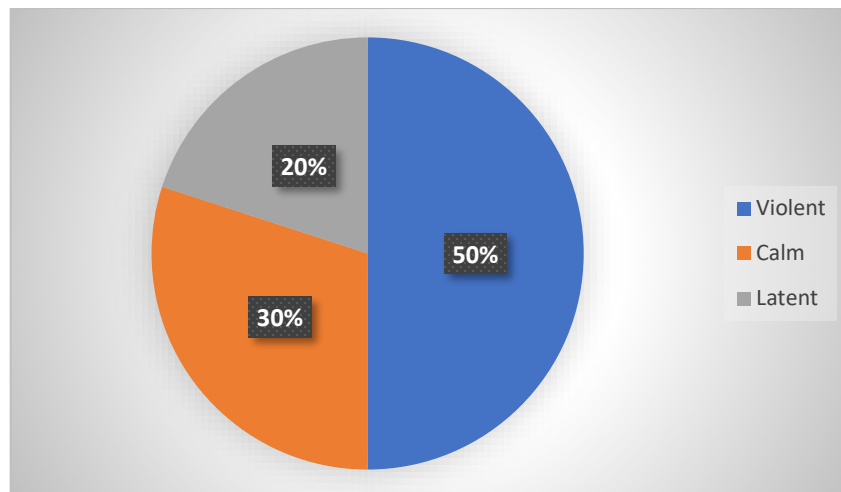
Figure 4: Nature of Conflicts

Respondents who indicated that the conflicts are violent in the district were 50% (N=100). Those who shared that the conflicts were often calm were 30% (N=60) whilst 20% (N=40) showed that the conflicts are latent between conflicting parties.

4.2.4 Frequency of Conflict In Zvishavane

The frequency of the conflicts was important as they would help highlight the impact it had on the communities. The responses below indicate community members views on frequency of the conflicts.
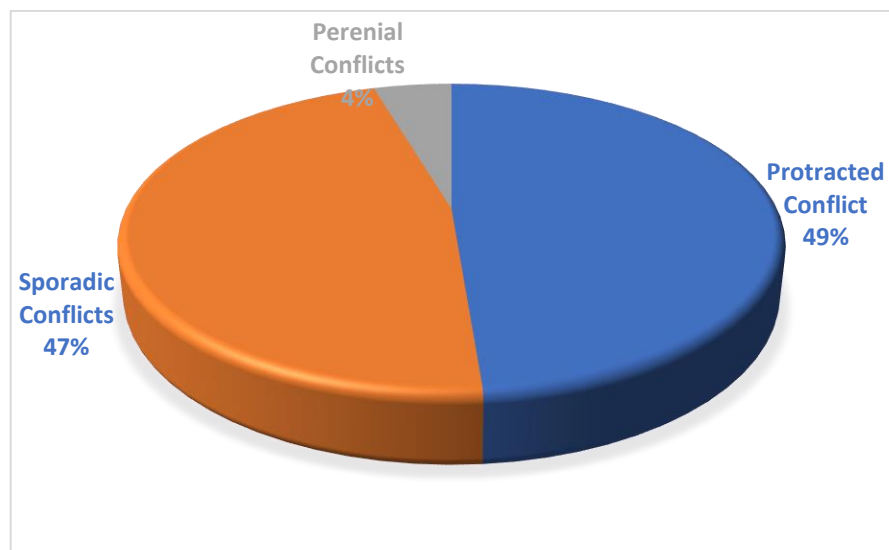
Figure 5:Frequency of Conflicts

The responses indicated that 49% (N=96) of the respondents felt the conflicts were protracted in the district whilst 47% (N=92) were of the view that the conflicts were sporadic. A paltry 4% (N=9) contributed that the conflicts were perennial.

4.2.5 Relationship Between Miners and Communities

The nature of relation between miners and communities were important to ascertain if they had any influence on conflicts and environmental rights violations.
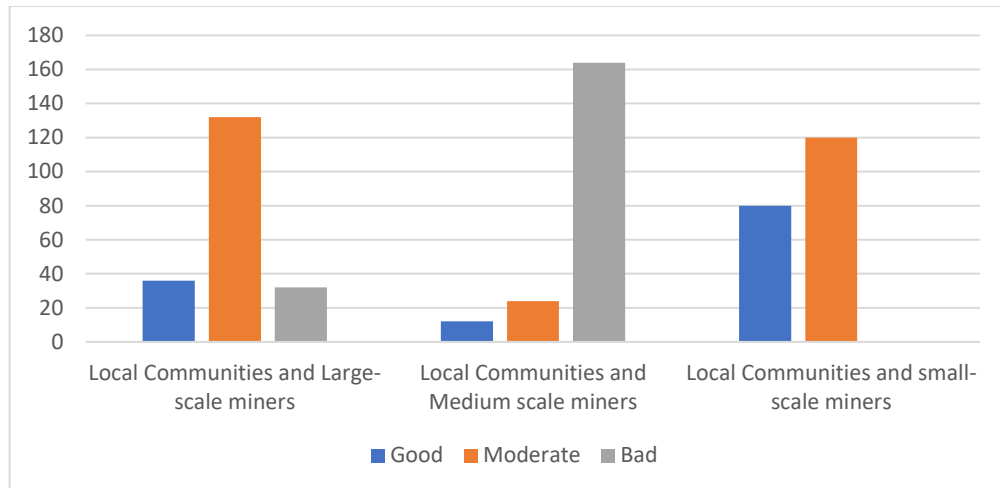
Figure 6: Relationship between Miners and Communities

The relationship between local communities and large-scale miners were regarded as a moderately good relationship by 66% (N=132) respondents. Respondents who shared that the relationship with medium scale miners was bad were 83% (N=164). Those that indicated that relationship with small scale miners was good were 60% (N=120) whilst 40% (N=80) put forward that the relationship was good.

4.3 Patterns of environmental rights abuses and violations

4.3.1 Consultation by Mining Companies before Siting Claims

The research sought to understand if communities were being consulted by the mining companies when siting. The following feedback was shared by the participants.
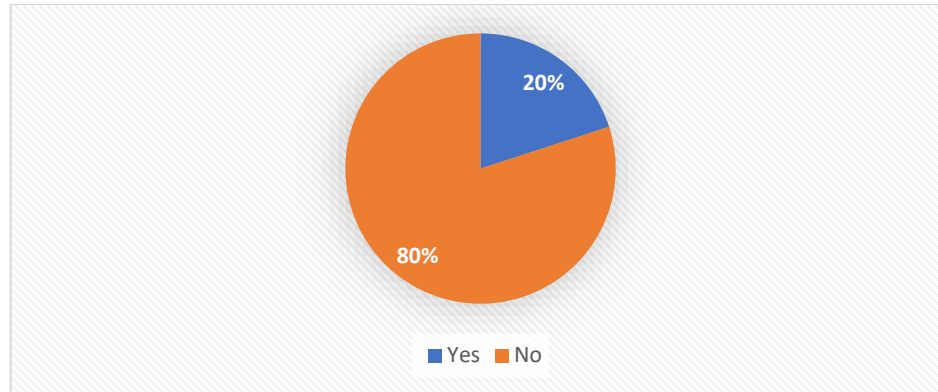
Figure 7:Consultation by Mining Companies before Siting Mining Claims

The respondents who highlighted that consultation were not being conducted by mining companies when siting for mining claims were 80% (N=160) whilst 20% (N=40) indicated that the consultations were being conducted.

4.3.2 Community participation in the development of the EIAs

The researcher wanted to get understanding on the participation of communities in the development of EIAs.
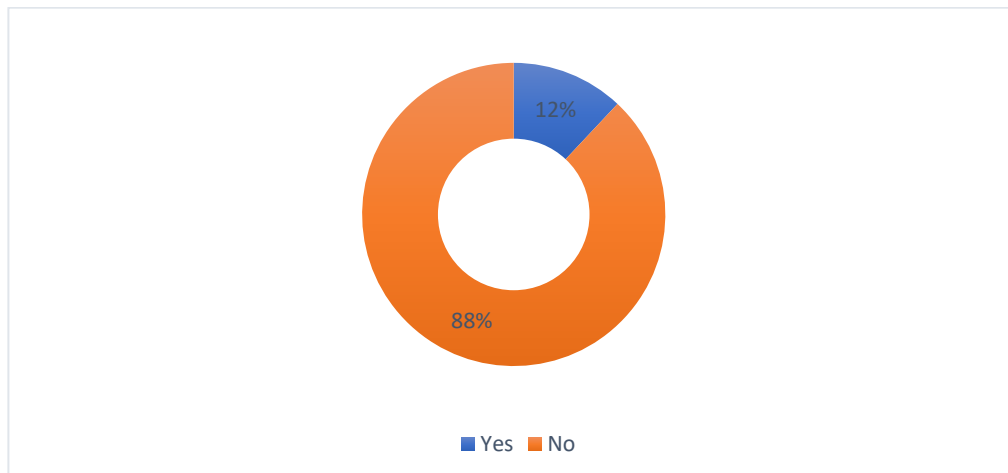
Figure 8: Consultations during development of EIAs

Respondents who shared that they were not being consulted during the development of the EIAs by the mining companies were 88% (N=176). The respondents who shared that they were being consulted by mining companies when developing EIAs were 12% (N=24).

4.3.3 Common Minerals Mined

The study wanted to further establish the relationship of the common minerals mined and environmental right violations in the communities.
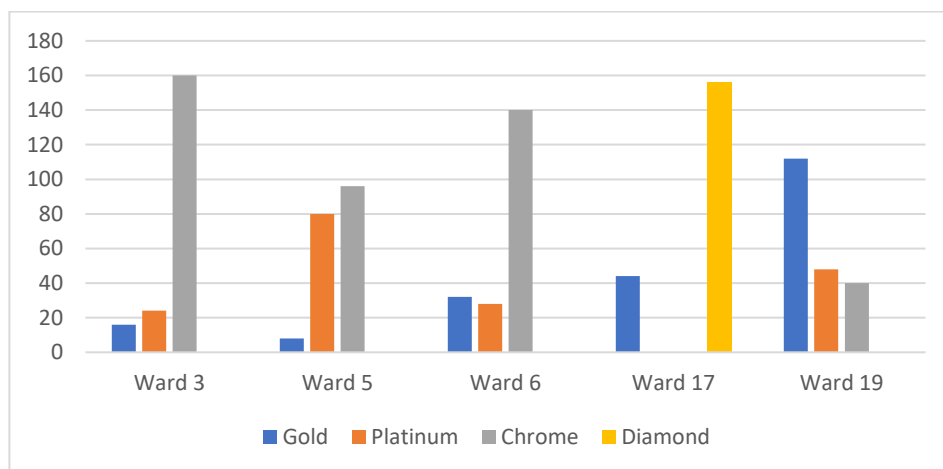
Figure 9: Common minerals Mined in Zvishavane

Figure 9 highlights that chrome is the commonly mined mineral in the 5 wards [ward 3: 80% (N=160), Ward 5: 48% (N=96), Ward 6: 70% (N=140) and Ward: 20% (N=40)]. Platinum is commonly mined in ward 5 with 40% (N=80) of the respondents affirming. Despite being mined across all the 5 wards, 56% (N=112) of the respondents from ward 19 indicated it was mostly mined in that region. 78% (n=156) indicated that diamond was mined in ward 17.

4.3.4 Environmental Rights Violations

The graph below shows the main rights violations factors from mining activities. This can be argued to be depended on the minerals mined in the area.

	Ward 3	Ward 5	Ward 6	Ward 17	Ward 19
■ Land Degradation	185	192	187	111	179
■ Water Body Contamination	143	190	150	128	185
■ Gas Emissions	10	151	65	183	101
■ Disposal of dangerous residue to the environment	180	200	163	67	185
■ Noise Pollutions	104	97	174	196	175
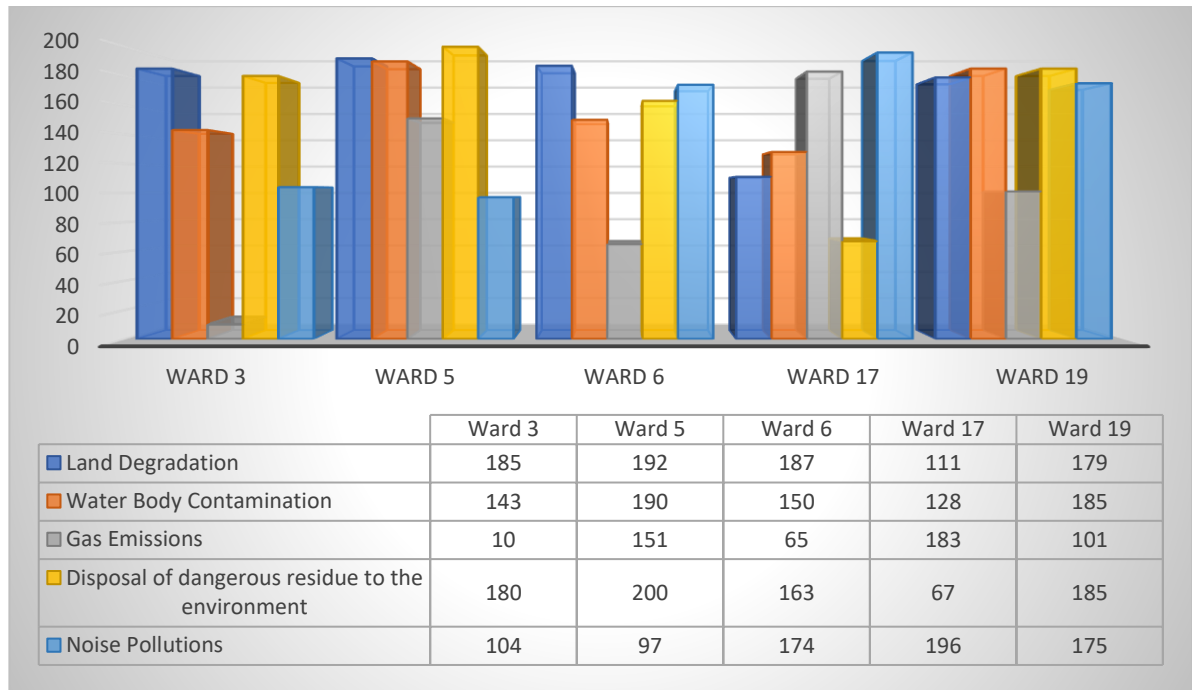
Figure 10: Main Environmental Rights Violations

Land degradation is common across the 5 wards. Gas pollution have been indicated to be more prevalent in ward 17 and ward 5.

4.3.5 Violators of Environmental Rights

The study further wanted to ascertain the main violators of environmental rights between small scale miners, medium scale miners and large scale miners.
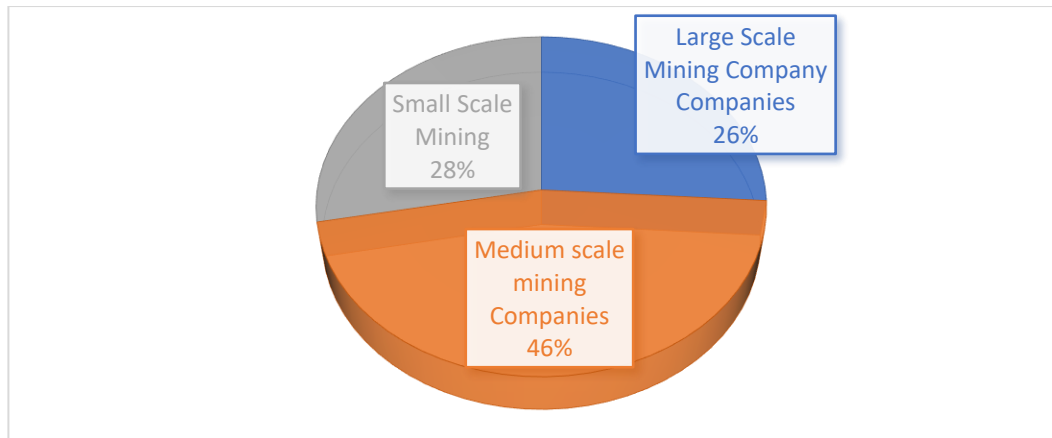
Figure 11: Violators of Environmental Rights

The respondents were questioned on the main violators of environmental rights, 46% (N=92) indicated that medium scale miners were the main violators of environmental rights. The respondents who highlighted that small scale miners were violators of environmental rights were 28% (N=56) whilst 26% (N=52) implicated large mining companies as the main violators.

4.3.6 Stakeholders Monitoring Environmental Protection and Environmental Rights

The study wanted to know the stakeholders that were monitoring environmental rights in the communities. The findings are presented in the graph below.
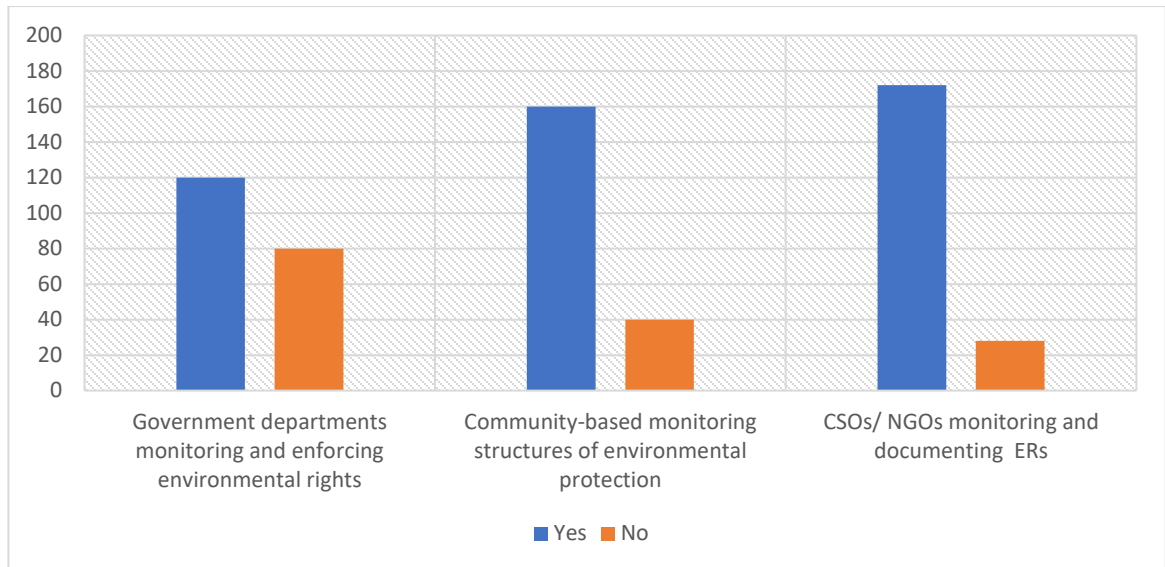
Figure 12: Stakeholder Monitoring ERs

Figure 12 highlights existence of institutions monitoring environmental protection and environmental rights. The respondent shared that Community based monitoring structures and CSOs/NGOs are present in their communities by a significant of 80% (N=160) and 86% (N=172) respectively. Despite having 60% (N=120) sharing that government departments monitored environmental rights, a significant 40% (N=80) indicated negatively.

4.3.7 Stakeholder Effectiveness in Monitoring Environmental Rights

The study was further interested in analyzing effectiveness of stakeholders environmental rights monitoring capacities.
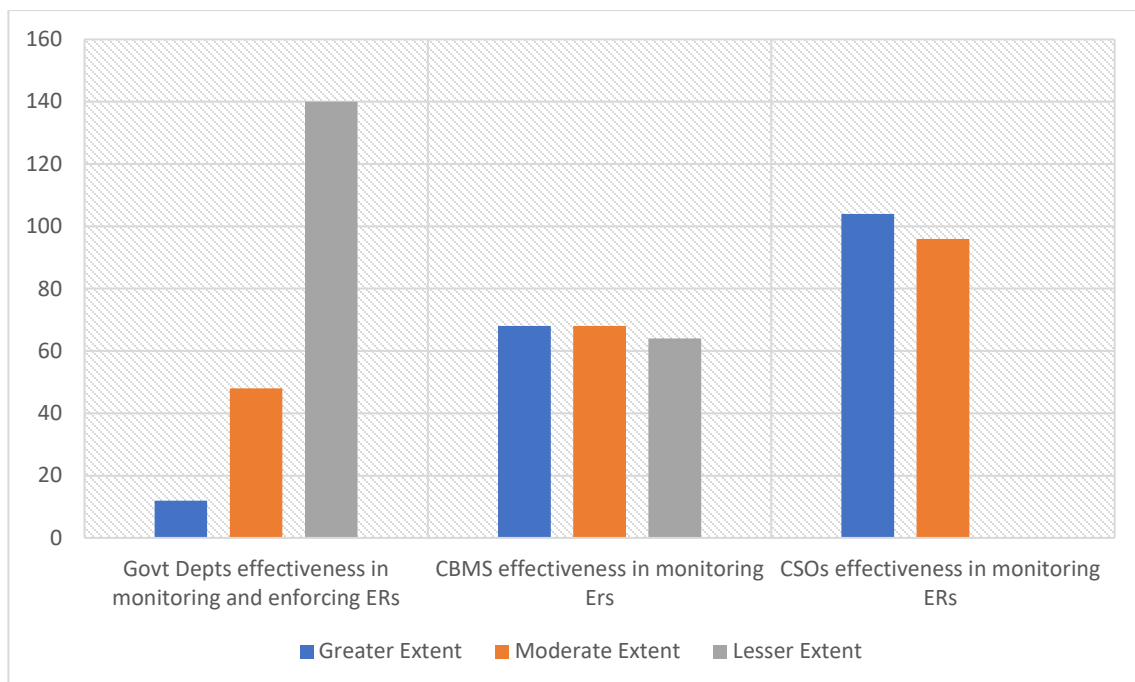
Figure 13: Stakeholder Effectiveness in Monitoring ERs

The respondents indicated that government departments were less effective in monitoring and enforcing environmental rights were 70% (N=140). The respondents put forward that CBMS were effective [34% (N=68)] and moderately effective [34% (N=68)] in monitoring environmental rights. 52% (N=104) reported that CSOs/NGOs were effective in monitoring environmental rights.

4.3.8 Collaborative Work Between Stakeholders and Communities in Collection of Data

The respondents were asked to share collaborative efforts between stakeholders and communities in collection of data. The findings are presented in the graph below.
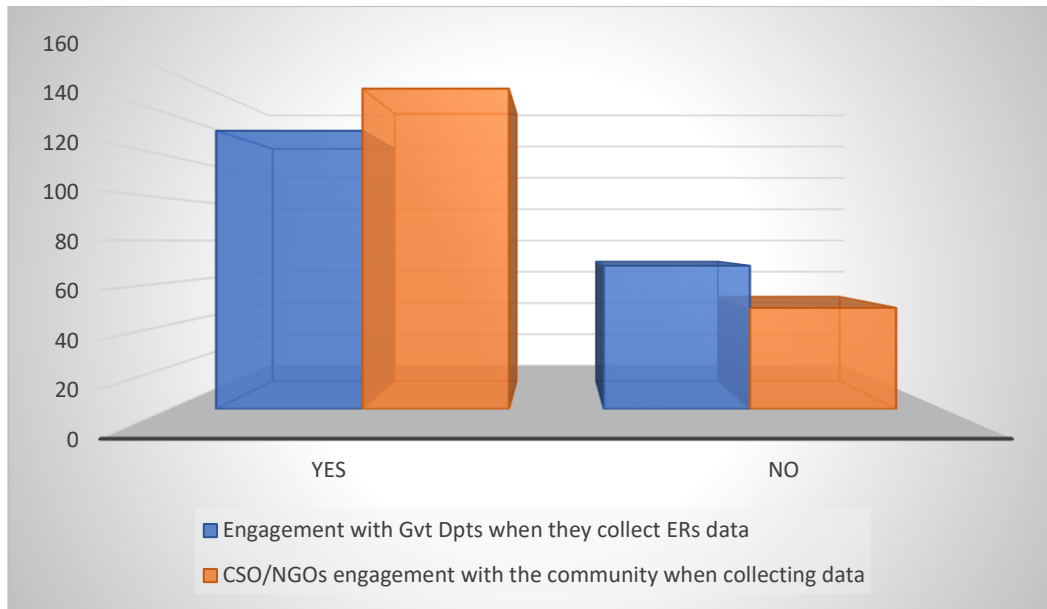
Figure 14: Engagement between Local Communities and Stakeholders when collecting data

Respondents reported that there was engagement with government departments when they collect data monitoring environmental rights 66% (N=132) whilst 34% (N=68) reported negatively. The respondents who shared that there was engagement between CSOs/NGOs in collecting data were 76% (N=152).

4.3.9 Capacity Building for Local Communities

The researcher wanted to understand the capacity building for local communities through monitoring training.
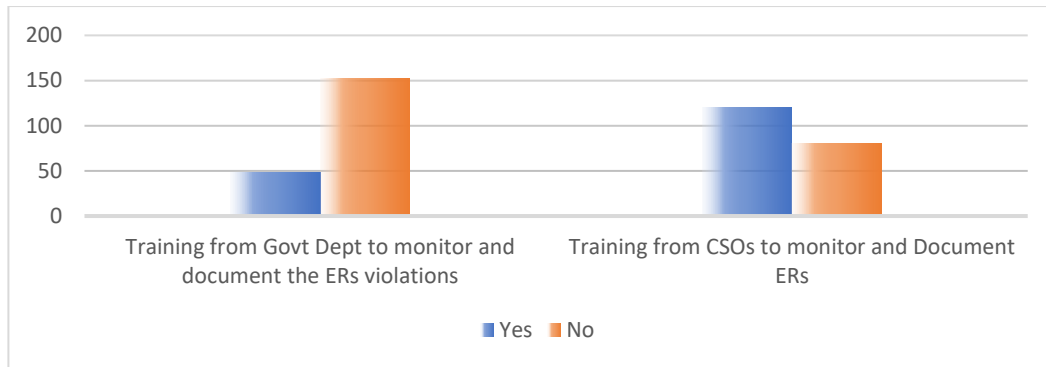
Figure 15:Training of local communities to monitor ERs

76% (N=152) of the respondents reported that they have not received any training from government departments to monitor and document environmental rights violations. 60% (N=120) of the respondents shared that they received training from CSOs/NGOs operating in their communities.

4.3.10 Sharing of Information with Mining companies

The researcher wanted to understand if communities shared information with the mining companies.
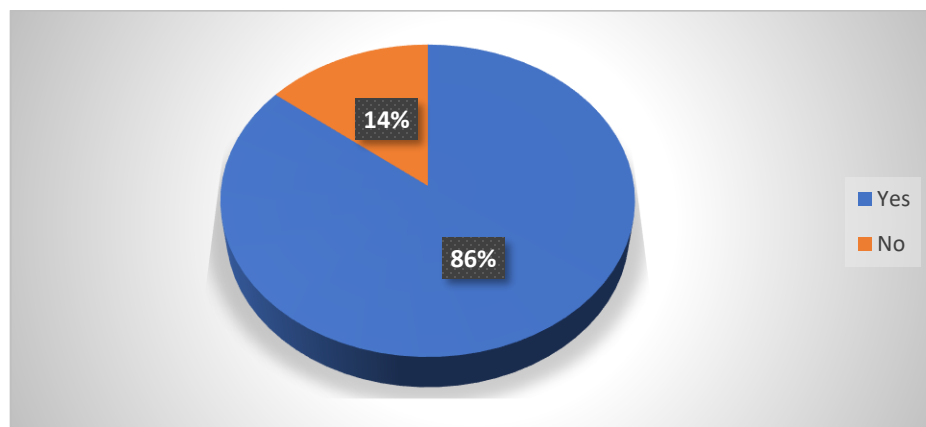
Figure 16: Sharing of ERs issues with Mining Companies

The local communities (86%) highlighted that information concerning environmental rights was shared with mining companies whilst 14% percent indicated the information was not being shared.

4.3.11 Responsiveness of Mining Companies to ERs Issues Raised

The communities had to share the responsiveness of mining companies to environmental rights issues. The findings are presented as below in the chart.
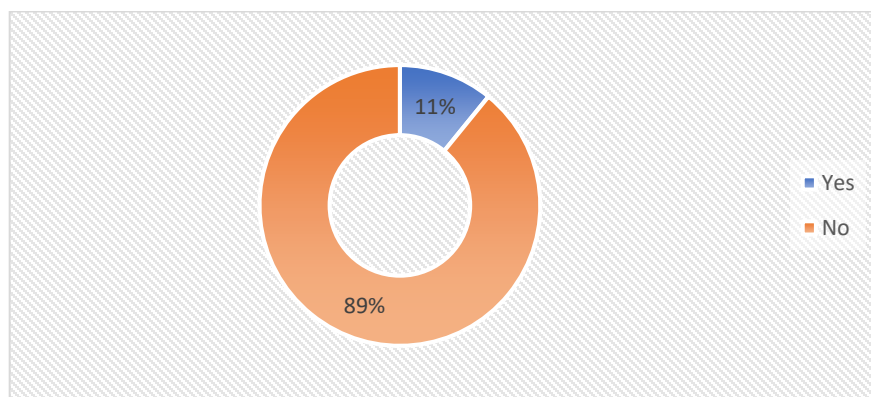
Figure 17:Responsiveness of Mining companies to ERs

89% (N=164) of the respondents showed that mining companies were not responsive to the environmental rights issues raised local communities and other stakeholders who provided empirical evidence.

4.4: Human Rights based Advocacy strategy used by Human rights monitoring agents in conflict prone areas.

4.4.1 Frequency of Engagement between Local Communities and Miners

The study also sought to understand the frequency of engagement between local communities and miner to discuss environmental rights issues.
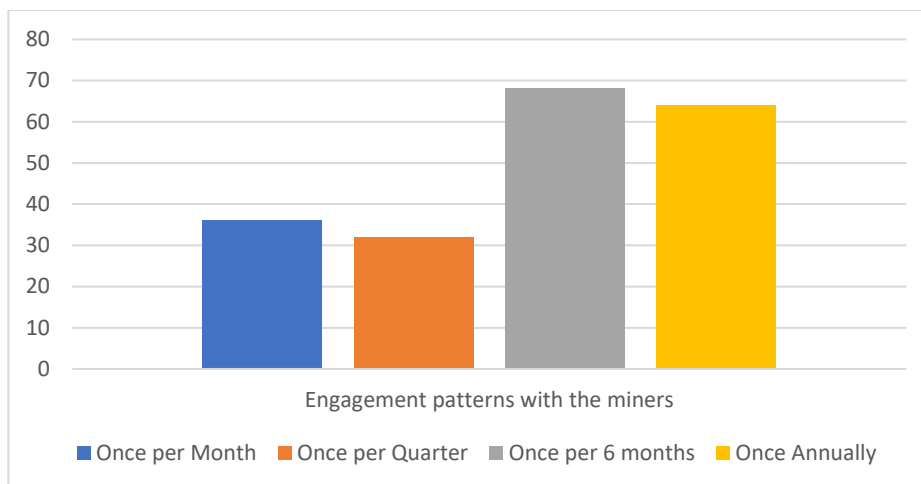
Figure 18: Frequency of Engagement

Frequency of engagement is generally low with 34% (N=68) indicating they engaged mining companies once in 6 months whilst 32% (N=64) indicated once annually. 185 (N=36) put forward that they met once per month with 16% (N=32) indicating they met once per quarter.

4.4.2 Engagement Strategies

The communities shared engagement strategies for redress of environmental rights violations.
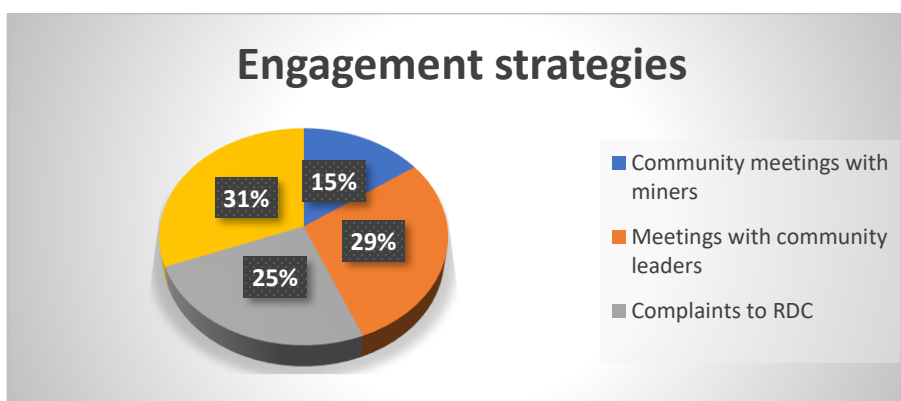
Figure 19: Engagement Strategies

31% (N=172) of the respondents indicated that their engagements with mining companies was organized by CSOs, CBOs and NGOs. 25% (N=140) of the respondents shared that they shared their grievances with the local authorities (Runde RDC). 29% N=160) of the respondents collectively indicated that they engaged with mining companies through meetings with community leaders whilst 15% (N=84) indicated that the engagements were through community-based efforts.

4.4.3 Sharing of Environmental Rights Issues with Central Government and Local Authorities (RDC)

The respondents were asked to understand if the environmental rights issues were shared with the central government. The respondents who shared that environmental rights issues were being shared with local authorities were 46% (N=92) whilst 44% (N=88) indicated that they did not share the issues. 76% (N=152) shared that the environmental rights issues were not being shared with the central government.
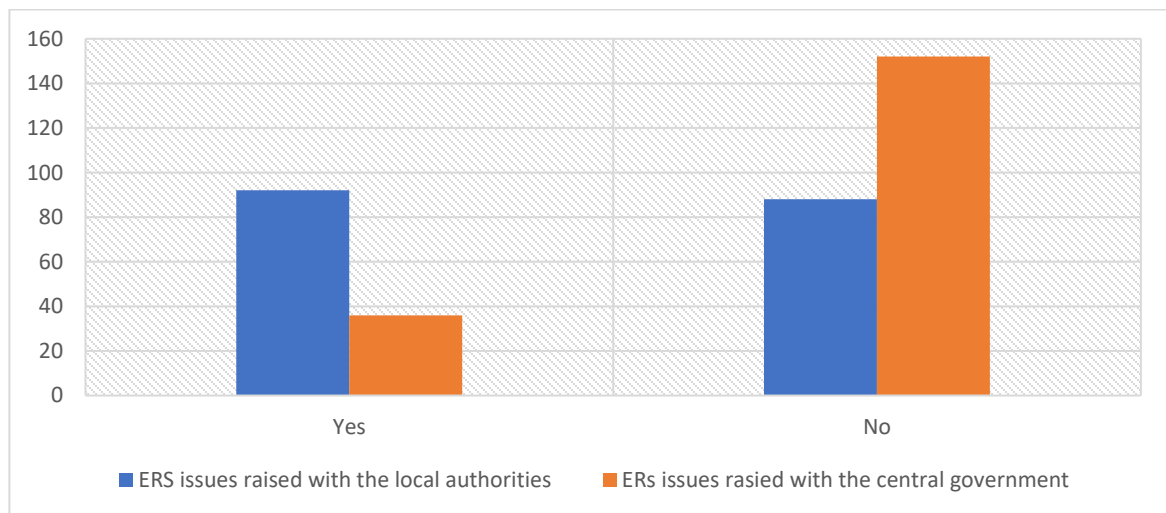
Figure 20: Sharing of ERs Issues with Central Government and Local Authorities

4.4.4 Effectiveness of Central Government and Local Authorities in Handling Environmental Rights Cases

The figure above indicate that the effectiveness of local authorities is better compared to that of central government. The respondents who indicated that Local Authorities were effective or moderately effective were 52% (N=104) compared to 90% (N=180) who indicated ineffectiveness of central government.
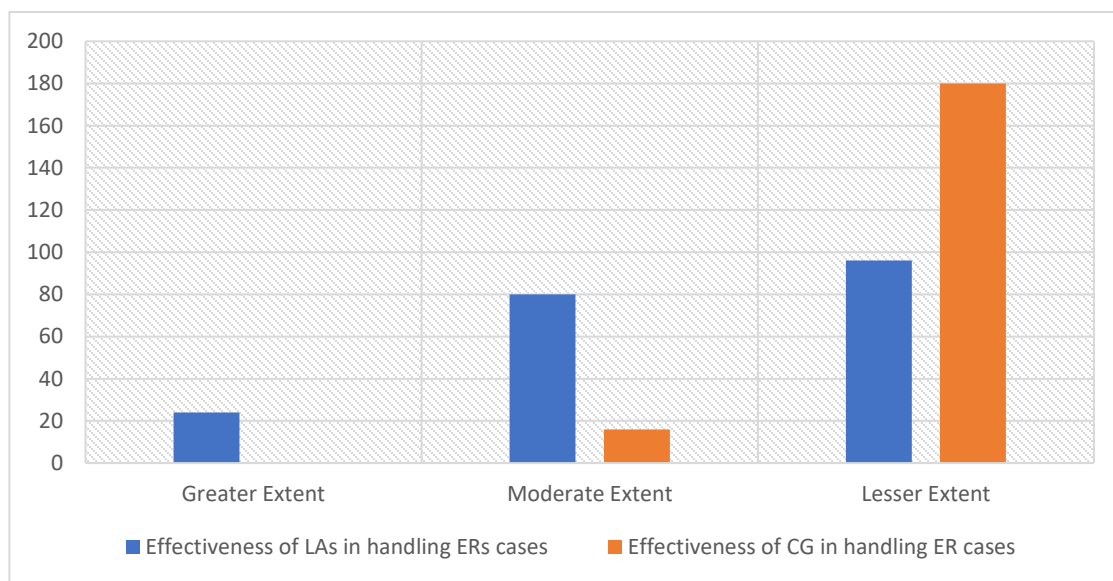
Figure 21: Effectiveness of CG and LA in Handling ERs Cases

4.4.5 Satisfaction Response Rate

Information on community satisfaction with stakeholder was assessed. The report from communities is as follows;
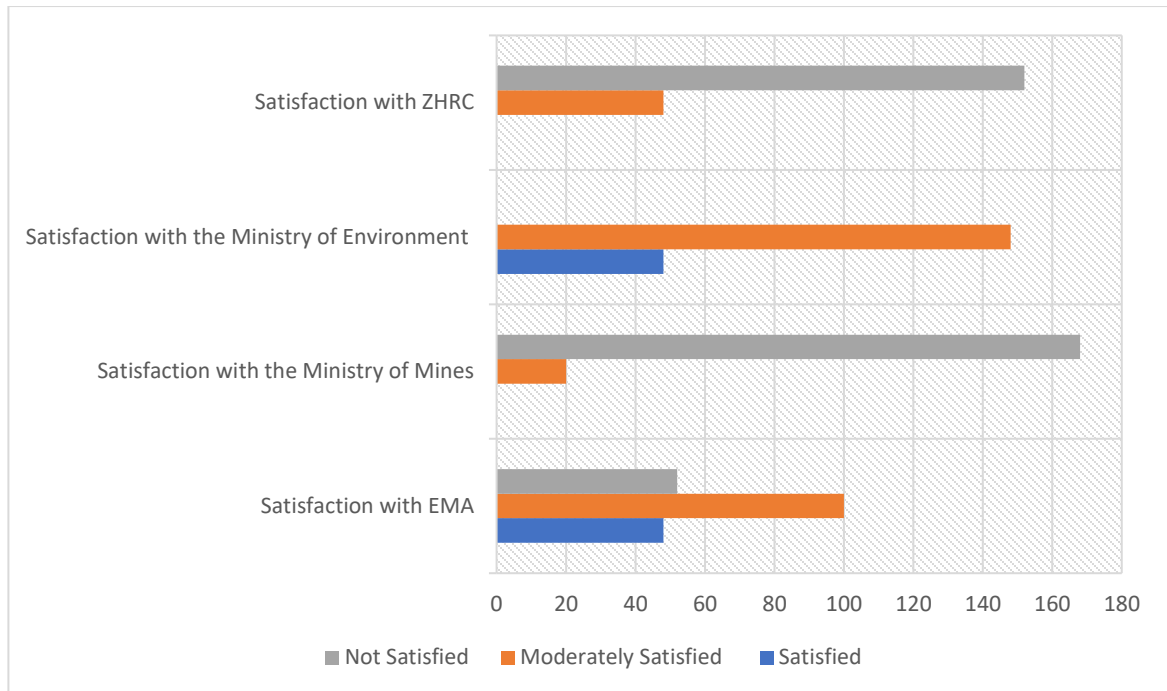
Figure 22: Satisfaction with Stakeholders

The respondents who showed that they were satisfied with efforts by EMA and Ministry of Environment respectively were 24% (N=48) of. The respondents showed dissatisfaction with Ministry of Mines and Mineral Development and ZHRC. Ministry of Mines and Mining development had 84% (N=168) of the respondents expressing dissatisfaction whilst ZHRC received 76% (N=152) of that portion from the respondents.

4.4.6 ZHRC Existence in Communities for ERs Monitoring

The study sought understand if the communities were aware of the ZHRC as a national human rights independent monitoring body.
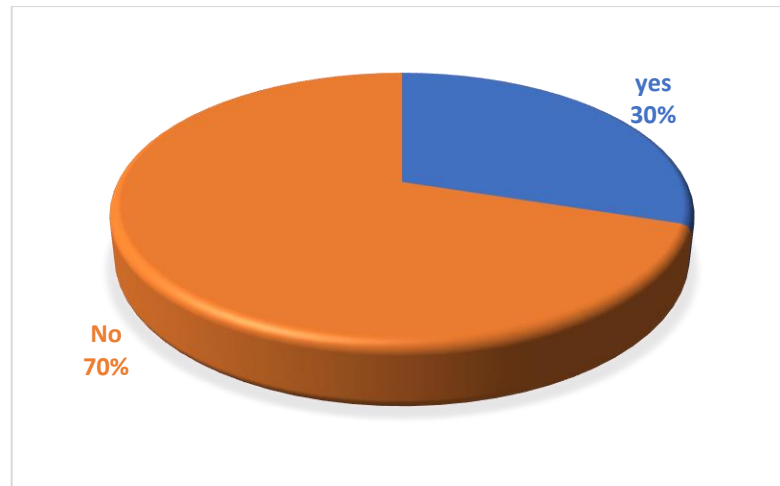
Figure 23: ZHRC Existence to Monitor ERs

The respondents who indicated that ZHRC was not present in their community to monitor environmental rights monitoring were 70% (N=14) whilst 30% (N=60) respondent positively of their presence.

4.5 Conflicts Emerging from Resource Copiousness

4.5.1 Distribution of Mining Claims

The local communities raised that the distribution of mining claims has become a political issue in Zvishavane rather than an economic process. Distribution of claims has led to a protracted conflict between miners over ownership. One respondent indicated that ZANU PF in 2013 gave mining claims to prospective miners under a scheme popularly known in Zvishavane District as ZIMASSET deriving the name from a strategic approach adopted by the government for economic turn-around. This was more prevalent in chrome rich communities such as ward 6 and ward 3. The conflict arose from double allocation of mining claims by political officials. One small scale chrome miner indicated that he paid money for a mining claim to a councilor who was responsible for allocating the claims to

miners only to realize the land that was allocated to him was being claimed by another miner. This has been one of the sources for miner-miner conflict which was confirmed by the research participants to be at 92%. The mineral resources have been used for political mileage by those in position of power especially towards election time. This has left the natural environment exposed as there is lack of adequate oversight on mining activities especially by small scale miners.

Women in the mining communities still feel disempowered in the mining sector. The women who participated in the FGD indicated that, chauvinistic approach to mining claims distribution has been a source of land degradation as men lack consciousness to environmental protection as they are focused on profits. Another woman indicated that, "I was given a mining block or claim by the councilor but when they realized that the chrome was of good grade it was taken away from me to be sold to another person". Corruption in the mining sector has compromised distributive justice in Zvishavane mining community. ZELA representative shared that, "Although the Constitution recognizes property and land rights, we have noted that most women have limited access to mining land in Zimbabwe". Beneficiaries of corruption have been less responsible to environmental stewardship as they are for quick wins. Thus, the conflict has perpetuated environmental rights violations as procedures are flouted at the beginning of the mining claims distribution which eliminate acquiring of EIAs and EMPs by prospective miners.

Influx of medium scale Chinese miners has been an issue of concern for many local community members. Many respondents indicated that the coming in of the new government with the 'Open for Business' rhetoric has been a catalyst to these foreign miners who come in large numbers violation indigenous people's rights. There have been

staged demonstrations against these miners and the reports indicate they hide behind high offices of power. The influx of new miners' boarders on lack of procedural application for mining claims which is the root of many environmental damages.

4.5.2 Land Use Dispute: Farmer-Miner Conflict

Local communities highlighted that agricultural and livestock farming are the main sustenance of people's livelihoods in the community. The prioritization of mining above other land use has been a source of land use conflict. The invasion by gold miners and the vast need for land by chrome miners has compromised livelihood security of local communities as the land is left unproductive. One farmer indicated that, "The Chinese came and pegged their mine in my farm. When I tried to enquire on who had given them the permission, they told me from Harare offices. They are now encroaching into our farming land which is our source of livelihood". The conflict has remained calm as the local communities' fear victimization from security forces, politicians and the foreign miners whom they say are heavily connected making them untouchable. This sentiment has been very common in all the 5 wards whereby farming activities have been threatened.

The local communities have also indicated that they are always in constant displeasure with the land grab by miners who are also occupying grazing lands. The cattle which hold inordinate value to the communities have been victims as they die of starvation or get trapped in swamps created by the mining companies where there is a bit of reeds as vegetation. The disturbance of farming practices in the communities has been a contribution to farmer miner conflict (90%). The conflict over land use was shared with Runde RDC EO for Environment, "local communities come to us with cases of miners

who would have invaded their farming or grazing land or of cattle that would have been trapped in open pits left by miners. Due to the influx of miners some legal and others illegal we are short of solutions except to refer them to the police". Thus, the lack of adequate power in the mine claims distribution by RRDC indicate that their efforts to environmental protection are weak.

4.5.3 Community Beneficiation

Local communities' principal challenges in Zvishavane was pointed to be on livelihood sustenance. The communities have shared that their benefit from the mineral resources have been very minimal. One village head from ward 5 indicated that, "They take our land and pollute the water we use for irrigation. We do not get any support from these mining companies except for JR Goddard and Mimosa who build schools and sink boreholes for clean water". Mining companies such as Mimosa have been helping communities to start community gardens.

The communities have been in protest against mining companies such as Murowa. They are disgruntled by mining companies that come into their communities and fail to develop the infrastructure, support local businesses or employ people in their wards. The Councillor for ward 17 shared that, "Murowa takes general hand workers from other regions whilst youths from the area do not have jobs". A Community Liaison Committee (CLC) member from ward 5 stressed the same indicating that they do not get employment opportunities from the mining communities those who do are given short contracts with very bad working conditions especially when recruited by Chinese companies.

4.5.4 Machete Violence

The upsurge of machete violence has greatly affected the local communities especially in the gold rich wards such as ward 17 and ward 19. The communities reiterated that there has been an increase in the cases of machete wielding gangs marauding to commit heinous crimes in the communities. The gangs have been robbing people off their hardly earned gold. One villager from ward 19 narrated that, "The machete wielding gangs came to P-Hall in large numbers and started to terrorize people. They then went to Pote mill where they continued with the assaults". The communities are becoming more worried about the gangs who are mainly from as far as Kwekwe and Bindura.

4.6 Environmental Rights Abuse and Violations

4.6.1 Land Degradation
Land degradation is one of the key environmental rights cases that is very prevalent in the district as illustrated in Fig 10. Local communities commented that land degradation in the district is mainly indicative of the large open pits left open by the large mining companies such as ZIMASCO, Medium scale miners such as the Chinese mining companies in the district and small-scale miners.

The communities elucidated that, land degradation has become a security threat to human life and animals. A villager from ward 3 shared that, "The open pits left by mining companies are very deep. There is a year when 2 people died in those pits and now community cattle are getting trapped in those pits especially during dry seasons". The rights to safe and secure environment are heavily violated in the district as the EIAs and EMPs are not being adhered to by mining companies.

One respondent from ward 5 shared that their crop production has been reduced over the past years as priority in the district is being shifted towards mining. Local communities highlighted that, land provides valuable ecosystem services for human well-being, but land degradation leads to a reduction in the provision of these services with significant social and economic costs to the country. EMA representative supported by indicating that, the decline of ecosystem services can take different forms, including decline in food availability, soil fertility, carbon sequestration capacity, wood production, groundwater recharge. The wear and tear of the ecosystems in not sustainable for coming generation to cope with.

The representative from EMA shared the economic cost of land degradation, she indicated that the total annual cost of land degradation is estimated at 382 million United States Dollars (USD) this is equal to 6% of the country's Gross Domestic Product (GDP) (Global Mechanism of the UNCCD, 2018). The economic cost of environmental degradation is a threat to community cohesion as there will be conflict over limited resources such as land and handouts which many rural communities are relying on due to poor productivity. One respondent shared that, "We need some of the land to be reserved for irrigation farming purposes because our farming land is not secure from mining activities". This is a clear indication of the need to improve livelihood security at the face of high land degradation.

4.6.2 Water Body Contamination.

Mining is an industry that heavily use chemical for majority of its processes which some having severe impact on the ecosystem, human health and health of the animals. Big mining companies such as Mimosa, Murowa, JR Goddard and Zimasco were identified as heavy users of chemicals in the mining process. The handling of the residue from the

chemical processes has often been not to the expected standard as leakages have occurred polluting the environment and threatening environmental rights of individuals. These big companies have safe and secure infrastructure that contain the dangerous chemical and acidic deposits from the plants. The companies' compliance is reliant on the compliance to international statutes and obligations as they multinationals. The communities acknowledged the effort by the big mining companies. One respondent shared that, "The community does not have challenges with big mining companies in the handling of chemicals that affect the environment. When there are spills, companies like Mimosa quickly address the problems." This shows that communities appreciate the effort to protect environmental rights by mining companies.

Threat to water bodies contamination have been identified as gold milling stations, medium and small-scale mining companies. The medium scale mining companies have been accused by local communities for flouting the procedures followed to acquire mining claims which has ultimately led to lack of adherence to environmental regulations. The Runde RDC EO Environment officer concurred with the communities indicating that they can only know of the existence of a mining company when they do field visits. They acknowledged that majority of them have political backing which compromise their operational powers as local authorities. The EMA official indicated that, "…majority of the medium scale miners do not have EIAs. The foreign owned mining companies especially those of Chinese are just mushrooming in the district and no consultations are made with our offices." The slime dams used by medium scale miners have been said to easily flood which threatened the environmental rights of communities whose water sources are close to the mining sites.

The small-scale miners and illegal gold miners have been identified as culprits in polluting water sources as they have continued to use chemicals such as mercury. The communities reported that there has been an emergence of some milling stations that are using these unconventional mining practices. The illegal practices in gold mining practices have been identified as difficult to stop due to the existence of machete wielding gangs interested in the sectors. One villager from ward 19 shared that, "One cannot go to areas were illegal miners are and if you go there you do not say what you would have come across because if they know it is you they will attack you with machetes". This has posed a threat to human security and right to free movement for many people.

Ward 19 Councillor raised concern over the Pote Milling station which is adjacent to the Murarazi River along Zvishavane-Bulawayo road. The councillor indicated that, "The area where Pote mill is located has caused the nearby river to silt. The river is now also heavily polluted such that those downstream cannot use the water". Water sources are a community resource and deprivation of use as a result of pollution is an infringement of environmental rights.

4.6.3 Handling and Disposal of Dangerous Residue to the Environment

Handling and disposal of dangerous residue on the environment has been an area of concern due to its impact on people's health and animals. The large mining companies are known for handling large amounts of debris which at times are very dangerous to the environment. Mimosa one of the biggest mining companies have been identified as a culprit by the Mhondongori community who accused the company of carelessly dumping some of its dangerous material within the reach of children and animals. This saw several cattle succumbing to these dangerous materials. The Mhongongori Association

chairperson indicated that they had several cases of cattle dying in areas close to the Mimosa dumpsite. He indicated that, "after engaging with the traditional leadership and councillor of the ward on the increasing number of cattle dying because of dangerous materials from the mine which the cattle consume. The mine was forced to fence the area to avoid animal entry". This has posed a threat on sustainable livelihood streams for many people as their farming and grazing lands are no longer safe to use.

4.6.4 Gas Emissions
The release of gas emissions was noted as a less prevalent case in the district. The release of gases into the atmosphere influences the global climatic conditions. The release of gases into the atmosphere is regulated by the Kyoto protocol. The EMA official indicated that the cases were very few with companies like Mimosa following the national and international regulations that govern the release of gas emissions. However, ward 19 community shared that there was a release of a gas which produced bad odor and they feared that it might be very poisonous. The community reported the case to EMA and RDC who advised them that the gas was not dangerous to health of people but went on to discourage the company from using the chemical.

4.6.5 Dust
Closely related to the release of dangerous emissions to the atmosphere, the local communities across all the wards shared that they were worried about dust effects on the health of individuals. The case was raised remarkably well in ward 17 where the local communities expressed their disgruntlement with the conduct of Murowa mine. One of the respondents shared that;

> "The heavy trucks used by Murowa raise a lot of dust in the area. They have failed to emulate Mimosa to construct a tarred road which they use every day. Majority

of the people who used to stay close to the road have abandoned their homes. When they blast their dynamites, they also raise dust. This area is no-longer good for farming and people are having lung problems."

The development of appropriate infrastructure such as roads can help reduce the release of dust in the atmosphere. Dust is said to affect the fertility of soil hence reducing livelihood security for the local communities. Health impacts from the release of dust are respiratory complications.

4.7 Human rights monitoring and documentation procedures
4.7.1 Role of stakeholders in Environmental Rights Monitoring

i. Government Departments

The role of government departments and constitutionally formed institutions has been very minimal in monitoring environmental rights violations. The respondents indicated that it was the RDC and EMA that monitored environmental rights in Zvishavane. The RDC shared that in partnership with EMA they had environment monitoring officers in the communities. However, they faced challenges of effectively fulfilling their roles. The RDC further shared that they had an Environment Policy and Environmental management plan. EMA shared that they engaged different stakeholders in the district such as mining companies and miners' associations that there is strong environmental stewardship in the district. They shared that they engaged provincial stakeholders to address the open pits left in the district. This prompted the closing of several open pits along the Zvishavane-Shurugwi road. The damage to the environment is a case of several years with some open pits stretching back to the 90s. The institutions indicated that they derived from the Rural District Council's Act and EMA Act. ZHRC is the commission responsible for monitoring human rights in the country. 30% of the research respondents indicated they were aware of the existence of ZHRC in the district. This rating can be complemented by the 76% of the respondents who shared dissatisfaction with the role of ZHRC in monitoring environmental rights.

ii. Civil Society Organizations and Non-Governmental Organizations

86% of the respondents acknowledge the presence of CSOs/CBOs monitoring environmental rights in the communities. Some of the CSOs/NGOs operating in the district include Zimbabwe Council of Churches (ZCC), Bethany, Centre for Conflict Management and Transformation (CCMT), Oxfam, Zimbabwe Environmental Association (ZELA), and, Women's and Law in Southern Africa (WILSA). The functions of these organizations vary, some focus on laws, community engagement, capacity building and working special interest groups. CCMT notably has resuscitated the Community Liaison Committees that work as representatives of the communities when engaging with mining companies. One villager from ward 3 shared that, "We have ZELA and CCMT that are coming to us and train us on our rights and they have helped us to have our CLCs to function properly again." This is indicative of the confidence and satisfaction that communities have on the role played by CLCs.

iii. Community Based Monitoring Structures

The CBMSs are locally organized groups that seek to influence a common community cause. CBMS are equivalent to the Community based Organizations (CBOs). In ward 5, they indicated that they have Mhondongori Association whilst in ward 3 they have the Mapirimira and Mapanzure Association. These structures were formed as organized community groupings to look at issues affecting the communities as a result of mining activities. The respondents from all the wards also shared that there are CLCs that work directly with mining companies. The mining companies such as Mimosa and Murowa liaison officers that work with communities.

4.7.2 Strategies of Environmental Rights Monitoring and Documentation

The key strategies to monitor environmental rights in the communities was to use case and situational analysis. The communities indicated that they monitored cases that would have gone through several phases especially when the coming in of the mining company was in doubt. When conducting situational analysis, these will be incidental cases that just arose and they are documented as such. However, it is important to note that these

strategies were not cross cutting. The communities were also organized by CSOs to effectively monitor environmental cases as organized groups. Citizen journalism was also used as a tool to monitor and document rights violations.

4.7.3 Effective Monitoring of Environmental Rights Monitoring

Monitoring of environmental rights has been met with mixed feelings from the communities. The generality of the communities feels the actions being adopted are not very effective. However, the effectiveness of efforts to monitor environmental rights vary from stakeholder to stakeholder. CSOs/NGOs strategies to monitor environmental rights have been viewed as very effective with 52% of the respondents acknowledging. 70% of the respondents indicated that government departments were less effective in monitoring and enforcing environmental rights. This was mainly because of lack of adequate personnel and resources to fulfil their mandate. 34% of the respondents shared that CBMSs were effective in monitoring environmental rights. The respondents indicated that CBMSs have better insight of the challenges being shared in the communities, but they were also affected by lack of resources and technical skills to monitor and document the violations.

4.7.4 Responsiveness of Mining Companies to Environmental Rights

The responsiveness of mining companies has been low across all wards. However, it is companies such as Mimosa and JR Goddard that were reported by communities as responsive to the need to protect the environment and protect environmental rights. One community member from ward 17 commented that, "The community have tried to engage Murowa to reduce dust but up to now no action has been taken". In ward 3 one respondent shared that, "When the community engage with the Chinese, they act as if they don't understand English then we get stuck as a community. Even EMA and council are facing the same challenges with Chinese companies". There is general acceptance that the mining companies respond more to traditional leaders. This has become one of the strategies which communities especially those infested by Chinese companies have resorted to.

4.7.5 Challenges to Human Rights Monitoring and Documentation Procedures

The communities feel that there is general lack of respect for the host communities by the companies. Thus, the grievances and issues raised by the communities are disregarded. There is general lack of political will by communities to resolve environmental rights issues. The mining industry in the district has become highly politicized with many institutions failing to execute their roles. Many medium and small-scale mining companies have had the backing and blessings of the politicians which has affected the role of independent institutions into carrying their roles. In adequacy of resources for operations have affected RDC and EMA in giving an oversight role to the companies that infringe environmental rights.

4.8 Environmental Rights based Advocacy strategies

4.8.1 Human Rights Advocacy Strategies by Independent Stakeholders

CCMT indicated that for successful advocacy process they have resorted to use of coalitions with organizations such as WLSA and ZELA. They indicated that coalition building for the organization is an ongoing process of cultivating and maintaining relationships with a diverse network of individuals and organizations who share a common set of principles and values. Thus, the organizations are working towards responsible mining in the regions. They have also been working with government institutions and CBMSs.

Communities indicated that CSOs/NGOs were involved in building their capacity so as to stand for their environmental rights. Trainings on citizen journalism, dialogues and rights awareness were conducted by different stakeholders. This has improved disseminating of information to increase awareness and ultimately stimulating action. Ward 3 community

members shared that they were now actively involved in forcing some actions by mining companies that have an impact on the environment.

Media advocacy emerged as one of the advocacy strategies that by CSOs. Organization have been presenting information to the news media to affect public opinion on an issue and to raise the issue with policymakers. Ya FM has been used as the main advocacy tool in the district as a local broadcaster. Thus, this has managed to set the issue on district and national agenda.

4.8.2 Handling of Environmental Rights Cases by Local Authorities and Central Government

The RDC and EMA have been the main local authority that receive community concerns regarding environmental protection. The RDC indicated that, "areas that have a lot of chrome mining activities have been greatly affected by the land degradation. These cases have been brought before us and we have tried engaging with the mining companies. However, some of the issues are based on disputed block ownership as we mandated to engage the rightful owner of the mine." The central government has been notified by EMA which has a constitutional mandate to monitor environmental stewardship. EMA shared that failure to comply should lead to revocation of the operating license held by the mining companies. The central government mandates local authorities to provide oversight to the mining companies activity. However, these institutions have less power to handle the complex issues.

4.8.3 Satisfaction with Local Government and Central Government

The communities have expressed that the actions by local government and central has been less satisfying. The communities indicated that there are open pits that are over 20

years old and there has not been any action to try and address the issue. They indicated

that only once when the Residents Minister Honorable Owen Ncube formed a taskforce

that influenced a few pits in 2019 and there was no action after that. The visibility of RDC

as central government has remained moderate. The communities shared that even when

they identify the environmental rights abuse, they do not take any action. EMA is well

known in the district for not having enough resources for monitoring. One CLC member

for ward 5 indicated that, "EMA does not have vehicles to use and they rely on

CSOs/NGOs to reach to communities mainly". The communities overall they are not

satisfied with the role of government and local authorities as highlighted under Figure 3.

4.4 Discussion and Interpretation of Key Findings

The key findings of the study are discussed below based on the emerging themes.

4.4.1 Resource Based conflict and environmental rights violations.

Key findings of the study showed there are a range of companies operating in Zvishavane

whose operations have affected the environment in the area and have also exacerbated

resource-based conflict in Zvishavane. Major companies operating in Zvishavane district

are Mimosa, Unki mine, Shabine Mine, Sabi gold mine, Murova diamonds and JR

Goddard, there are also medium mining companies like Asia ferry, AFROSIN, Bundei,

China Zim, Petmaz, and small mining companies like Sigwazha, Mahwendu, Golden

Horn. The study also found out that, while investment is key to any community

development, the harm that the mining companies have caused to the community to be at

loggerheads as they must fight for existence and survival within a safe, clean and just

environment. The community and the mining companies have been at loggerheads over

the usage of land, pollution of water bodies, environmental degradation, corporate social

responsibilities and lack of consultation in sitting mining claims. The conflicts between the mining companies over the use of the environment has become one of the major friction between the companies and the community members. This is supported by the assertions the IIED (2002) which argue that environmental rights have a direct impact on human life, human conditions. The mining companies are contravening section 73 of the Constitution of Zimbabwe that guarantees everyone with the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generation. It is also within this context that the mining companies can be said to be violating the dictates of the Environmental Management Agency Act (Chapter 20:27) which prohibits pollution, environmental degradation for the benefit of future generations. The sustainability of the environment including the precious resources being mined in Zvishavane is heavily dependent on how the mining companies in the area handle the issue of sustainable exploration and exploitation of resources.

Much to the competition for the precious resources, the study found out that the major resource-based conflict is between the miners in the small scale mining, followed by the conflict between mining companies and community leadership.

The study also found out that as a result of conflict rising between miners themselves, there has been a rise in young people using machetes for self-defense and at the same time to attack other miners. Popularly known as *Mashurugwi*, a group that has become a national menace as they are causing violence everywhere, Zvishavane has become a dangerous are to live in. As highlighted by Castro and Nielsen (2001) explain, natural resource conflicts are typically ''severe and debilitating, resulting in violence, resource degradation, the under-mining of livelihoods, and the uprooting of communities'', and if

not addressed, ''can threaten to unravel the entire fabric of society''. The rise of people murdered by the rogue *Mashurugwi* shows how mining conflicts can spill over to other sectors of the society. It was also found that the conflicts between miners have become a security threat to the Zvishavane community as people now live in fear of the machete wielding miners.

The study also found out that there has been a rise in the farmer to small scale miner conflicts especially when small miners commonly known as *Makorokoza* encroach into farming areas for the local communities. The friction between the farmers and small-scale miners was found out to be a major friction area after the miner to miner conflict. Government intervention has been lacking to protect small scale farmers from small scale miners in the Zvishavane community. This collaborates with Hilson (2012) who argues that mining disputes between small scale farmers as critical members of the community and small-scale miners usually continue unchecked as government intervention is minimal as it lacks regulatory frameworks are commonly incomplete and fewer effective support schemes are in place for community and industrial groups.

The other conflict that has been evident in Zvishavane is the miner –community conflict mainly with regards to environmental complications which can make the land not suitable for farming. Community members feels that the mining companies robbed them of the productive land especially when one considers that areas rich in gold are usually fertile and rich in nutrients. The disputes over land especially between Asia ferry and Afro shin and the community members have become topical and have been well documented by non-governmental organisations that have been working in the area. As argued by Brett (2000), Conflicts, between mining companies and communities arise due to the fact that

the two entities view differently the socio-economic values of land. Farmland is considered vital in the African traditional community and land is an important inheritance one gets from the ancestors. The connection between land and history therefore makes disputes between mining companies and mining companies protracted as community members aim to reclaim their inheritance.

As a result of a number of factors discussed above, the study found out that the relationship between large mining companies and communities was moderate while the relationship between medium scale miners which are mainly Chinese owned is very bad and the relationship between local communities and small scale miners being in between good and moderate. It is important to note that though the small-scale miners are the ones responsible for environmental degradation, local leadership and members of the community try to sanitize them because most of the small-scale miners are children of local members and are helping their households financially. The anger is them diverted to medium to large scale companies as they are regarded as foreign.

4.4.2 Environmental Rights Abuses and Violations

Zvishavane is an area endowed with a plethora of minerals ranging from gold, platinum, chrome, diamond and asbestos. The mining of these minerals is associated with environmental rights violations that are a result of the use of mercury in gold mining, blasts and dust in diamond mining and large pits associated with chrome mining. Areas rich with minerals have been identified as conflict rich hotspots though there are important international and international human rights frameworks for the protection of people around the area.

Under this thematic area, the study found out that during the siting of mining claims, community leaders and members are not consulted. Empowered by the Mines and Minerals Act 165 (961) which puts all communal land in the hands of the state, community input has been largely ignored as the government claims power to allocate land. This has culminated in the friction between the government and the local community as the people argue that they were not consulted when the mining claims were sited. It is also in this context that the mining area community in Zvishavane expressed concerns on how environmental impact Assessment (EIA) is done without the community members being consulted. As highlighted in the data presentation, 80% and 88% highlighted that they were not consulted in siting mining claims and conducting Environmental Impact Assessment (EIA) respectively.

In accordance to the respondents from the affected community, the study found out that land degradation constituted the main environmental right being violated by mining companies in Zvishavane. This is supported by the IIED (2002) which highlights that business in the extractive industries are the major culprits in so far as land degradation is concerned. In as much as land degradation is a concern and a violation of environmental rights in Zvishavane, the study also found that there has been a growing concern over water body contamination and pollution as both small scale to large scale miners are realizing toxins in rivers and dams in the area. A good example of the river that is being polluted is Runde and Ngezi rivers were small scale miners are using mercury in gold processing and at the same time contaminating the water bodies. Mining residue dumps have also been identified in the study as a major concern for local people. It remains a

challenge on how people will deal with mining dumbs in the future as the environment is polluted while flora and fauna are being affected.

 It was found that chrome in Zvishavane has attracted several Chinese companies in the medium scale category stands as one cause of environmental rights violation. The companies usually skip environmental impact assessment stages and are involved in massive bribery of government officials and agencies in order to start operation. This has led to environmental rights violations as pollution, dumping and noise negatively affects the environment. As espoused in the EMA act, the environmental impact assessment is a critical procedure that is meant to ensure that the environment doesn't become a recipient of dangerous chemicals and disposal from companies. The state through the Environmental Management Agency therefore is entrusted with the role of ensuring that the Environmental Impact assessment is done to protect the environment from extractive companies.

More so, the lack of monitoring mechanisms has exacerbated the violation of environmental rights violation in Zvishavane. The institutional bodies entrusted with monitoring the work of mining companies are weak and lack the institutional capacity to enforce laws that protect the environment. Some companies and individuals who owns small scale mining claims are powerful individuals with political backing and have overridden the power of institutions. This shows how the law is being overridden by political muscle in the communities.

The effects of environmental rights violations have caused strained relationships between the community and the mining companies as the community blames the mining companies for causing land degradation, water pollution and death of livestock which in turn affects

community livelihoods. More so, the environmental rights have become a threat to human security if one looks at Health when water bodies are polluted, and dust is always moving around communities.

4.4.3 Environmental Rights monitoring and documentation

The study found that though the Environmental Management agency exists in Zvishavane as a monitoring body, the effectiveness of the Organisation has been questioned as the Organisation lacks both the human capital and the resource to enforce rules and regulations related to environmental protection. Though the Roles of EMA are well laid in the Environmental Management Act, the, Organisation is often overridden by politicians who work closely with mining companies making it difficult for the Organisation to carry out environmental Impact assessment. As highlighted by Kapoor (2009), the state through its agencies have an obligation to enforce and monitor the operations of business in the mining sector so that they respect, protect and remedy human rights issues as is contained in the United Nations guidelines on human rights and business. The study found out that some companies are just furnished with EIA licenses without following due processes as issues of bribery and corruption are highlighted to be rampant in the mining sector.

It was also found that the Environmental Management Agency fails to engage community members when it is carrying Environmental Impact assessment as well as environmental rights violations in the community leading to lack trust by citizens in Zvishavane. Though it carries out sensitization and educational programmes about human rights, the Agency does not do the same when it is dealing with large scale mining companies. It is also reflected in this study that the commission has failed to address of small-scale miners who

pollute water bodies with mercury and does not carry out investigation in mining hotspots as the small-scale miners are protected politically.

The community members showed knowledge of how to monitor the works of mining companies' visa vee environmental rights violations. Further probing into the source of knowledge revealed that the knowledge is a result of educational programmes that were designed and implemented by non-governmental organisations like Centre for Conflict Management and Transformation (CCMT), Oxfam, Zimbabwe Environmental Association (ZELA), and, Women's and Law in Southern Africa (WILSA). These Non-governmental Organisation have been working closely with the community and engaging community members through various advocacy and educational programmes.

The research departments of these organisations have been documenting critical issues about human rights violations in the area. An example of a Non -governmental Organisation publication is that of WLSA titled "Putting women at the center of extractives" which summarizes gender-based violence in the mining sectors well as environmental rights violations in various communities. More importantly the Non-governmental Organisation have engaged mining companies in the area and have strengthened the call for mining companies to observe international frameworks and principles about protecting the environment. The right to Respect, remedy and protect human rights in areas where they are operating. In as much as the Non-governmental organisations have been engaging mining companies, they have been getting Lukewarm responses as the companies are adamant to reform and enjoys protection of political elites who twists the law to suit their interests and needs.

In terms of challenges faced by CSOs/NGOs and CBMS operating in Zvishavane, the lack of political buy in has meant that the organisations face resistance from mining companies. This can be attributed to the fact that there is generally and cat and mouse relationship between government and civil society in Zimbabwe were the civil society is viewed as an agent of regime change. Moreover, Non-governmental organisations lack enforcement power to compel and enforce laws about environmental rights in Zimbabwe hence their researches and advocacy goes in vain if not taken up by EMA and other governmental institutions responsible for ensuring justice. Without the intervention of relevant institutions, the work of Non-governmental goes in vain.

4.4.5 Human rights-based advocacy strategies as used by human rights monitoring agencies in conflict prone areas

The study found out that monitoring agencies that are related to government uses laws and regulations to ensure that companies adhere top rules and regulations for the protection of the environments. Through the Environmental Management Act and the Mineral and Mines Act, EMA ensures that companies operating in Zvishavane carry out for instance Environmental Impact Assessments. However, though these institutions have the right and obligation to use laws to govern environmental rights violations, they have often been caught offside siding with companies involved in massive environmental degradation and pollution. Allegations of corruptions have been leveled against these institutions making them losing credibility and acceptance by community members.

Traditional leaders as respectable people within communities have also been used to ensure that mining companies comply with the dictates of communities in terms of corporate social responsibilities and creating a safe environment for community members

and their livestock. Albeit their influence, traditional leaders have often been bribed or overpowered by politicians who will benefit as the expense of the community. Despite being affected, traditional leaders have used their powers in Zvishavane to ensure that companies are involved in gully filling, dam construction and reforestation of mining areas were mines are no longer or are not operating.

The frequency as to how often communities through the community liaison communities engage with the mining companies, was found to be rather difficult as miners are usually busy and visiting mining sights might attract attacks and trigger violence. However, community meeting with miners have been made successful by mostly civil society organisations whose strategies when dealing with fragile and hostile population necessitates the meeting. The issues of land degradation and abuse of environmental rights was said to have been reported several times to local authorities with no avail as community members. The law government through the enforcement organs and local authorities whose capacity to enforce environmental rights laws face a dilemma as to go against the powerful politicians or keep the job. The engagement can be said to have failed to gain the positive resistance as a mistrust exists between the government and civil society and community leadership. An important point to note here is that both the ministry of mines and mining development, the Environmental Management Agency and the ministry of environment have failed to impress the people in Zvishavane.

The Zimbabwe Human rights commission as chapter 12 institution has brought a glim of hope to the community as it has made efforts to engage community members and monitor environments in the community. The commission has documented human rights abuses in mining communities. What however is lacking is the follow up mechanisms on

institutions with the mandate to enforce compliance to human rights laws and regulations. The study found out that people in Zvishavane are highly impressed with the Zimbabwe Human Rights Commission has it has showed it swill to expose, monitor and document human rights abuses in conflict hotspots.

4.4.6 Summary

Chapter 4 presented key findings of the study steaming from the main objectives and key research questions. The chapter further analyzed outcomes of the study providing insight and explanations to emerging patterns and structure of the findings. Also, findings were discussed in the context of the available literature and previous studies, leveling new developments in the area of study and how they influence policy and programme implementation. Results were also analyzed in the context of theoretical framework bringing out the co-relation between key variables of the study.

CHAPTER 5 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The final chapter of the research provide the summary of the study focusing on the key discussions, research implication and recommendations to different stakeholders. The chapter seeks to point the extent to which the study addressed the research and responding to the objectives and research questions. The chapter provides insights on the areas for future research, elucidating on the areas that need empirical improvements.

5.2 Discussion

The study looked at the monitoring of environmental rights in conflict hotspot areas focusing on Zvishavane mining community. The thrust of the study was on linking resource-based conflict and environmental rights violation of individuals and groups in mineral rich communities, assessing patterns of environmental rights violations, environmental rights monitoring and documentation procedures taken by different stakeholders operating in these communities and Human Rights based Advocacy strategies used by Human rights monitoring agents in conflict prone areas. The Study used mixed method integrating qualitative and quantitative research methods. Questionnaires, FGDs, Key informant and observations were used as data collection methods. The study used ecological Marxist theory which helped to expose the domination, control and suppression that hides behind that which at first appears neutral, progressive and necessary. The data was analyzed using themes and numerical valuations to understand causality. The findings were presented in a manner that responded to the research questions.

The study found that conflict is central to environmental rights violation in mining communities. The prevalent conflicts in the Zvishavane mining community was that of miner-miner conflict. This was encapsulated by the rise of machete wielding gangs in the district. The machete violent conflicts were identified to be common and prevalent in communities where gold is mined. Furthermore, the study identified that there is land use conflict in the district which has soured the relationship between local communities and mining communities. Thus, this has seen the rise of farmer miner conflict. The local communities regard land as their source of livelihood and the continued allocation of mining claims to people who do not have adequate documentation have attracted the illegal mining activities to continue. Resource based conflicts in the district are protracted which is a similar case in many mining communities where resources are a curse.

The study revealed that the common types of environmental violations were land degradation, water body contamination, gas emissions, heavy dust and disposal of dangerous residue to the environment. The types of environmental violations varied from ward to ward basing on the type of mineral being mined and the companies operating in that area. It was disinterred that the common environmental rights violations are associated with land degradation in communities where chrome is mined. Chrome is commonly mined mineral in the district covering 4 of the 5 wards that were under study. Water body contamination was also another environmental that came out as dominant in the study which implicated not only miners but also the milling stations which are constructed along riverbeds. The pollution of water sources has affected the large water bodies in the district such as the Ngezi and Runde river which supply water beyond Runde district. Key reasons for environmental rights violations is that mining companies and

small-scale miners did not have EIAs and EMPs hence making it difficult for them to comply with environmental regulations.

The study revealed that environment rights monitoring is grounded on community-miner relationship and capacitation of responsible stakeholders. EMA was revealed as the only government department that monitor environmental rights in the district. The efforts by EMA have been revealed as less effective because they lack adequate resources and some of the violators are politically connected. The study disclosed that there is good presence of CSOs and NGOs operating in the district to monitor environmental rights protection. CSOs and NGOs were noted as the institutions that capacitate local communities to monitor and document environmental rights violations. The local communities have further organized themselves into CBMS to engage local leadership and mining companies for their concerns to be addressed. The common challenges to environmental rights monitoring have been premised on lack of adequate resources and political will from those who hold positions of power in the communities.

5.3 Conclusions

The study identified that there is a strong link between resource-based conflict and environmental rights violations in Zvishavane. These environmental rights violations affect individuals and groups in mineral rich communities directly and indirectly. Machete violence has led local communities to desist from engaging small scale artisanal miners for fear of personal security. Furthermore, it can be concluded that land use management in resource rich communities has affected the cohesion between local communities and mining companies. The competing interests has not helped efforts to protect the environment from land degradation.

The study found and concluded that the patterns of human rights abuses and violations have distinct variables. The main variable can be regarded as the type of mineral being mined in the area and the legality of the mining operations in the communities. Thus, the type of mineral will determine if there is going to be exacerbated land degradation, water pollution and air pollution. The environmental rights violations in mining communities have become a protracted norm. The causes of environmental rights are based on of compliance to environmental regulations as those set by EMA.

The study concluded that government's role in environmental rights monitoring has been very low. This has left CSOs/NGOs and CBMS as rather the most significant actors in monitoring and documenting environmental rights violations. EMA and RDC have made collaborative efforts to document damage to the environment. However, lack of arresting powers has crippled the two institutions. The information gathered by CBOs/NGOs and CBMS has been shared with mining companies. However, it can be concluded that the responsiveness of companies has come from the large mining companies with medium scale miners and small-scale miners being less responsive.

The study concluded that there is need for collaborative effort from different stakeholders in order to ensure that environmental rights protection is met. Key human rights-based advocacy strategies by monitoring agents in conflict prone areas have been the use of community-based dialogue meetings with local leadership and responsible authorities.

5.4 Implications

The study managed to provide answers to the following questions.

The findings of this study implicated that the link between resource abundance and conflicts are inseparable as the key risk faced in mining communities. The study further

stressed the need for policies that reduce structural conflicts in land use management and guidelines that enhance cohesion between local communities and regulated mining companies.

Furthermore, findings of this study implicated national policy enforcement to ensure that mining companies reduce environmental rights violations. Enforcement of already existing laws ensure responsible mineral resource extraction.

Engagement through consultations with responsible authorities and receiving communities will increase oversight and accountability of mining companies. This will help to strengthen local communities' capacity to challenge unorthodox practices by mining companies in their communities.

The research further implicated the need to financially capacitate government departments and ZHRC to be more visible when monitoring the environmental rights violations. It was further put forth that there is need for additional human resources to improve efficiency for EMA which has the greater environmental mandate.

5.5 Recommendations

Given that the study identified that environmental rights monitoring in conflict hotspot areas is affected by the following factors: violent conflicts within communities, illegal miners, lack of consultation of local communities, poor mining practices, lack of enforcing powers for RDC and EMA; it is therefore recommended that the following measures be taken at both policy and programmatic levels:

1. The Local authorities should set up early warning systems for conflicts that may emerge in the district as a result of the resources. The warning systems should be

supported by redress structures that help in the maintenance of social cohesion in mining communities.

2. To reduce number of illegal miners, the Ministry of Mines and Minerals Development should communicate with local authorities in the affected areas such as the RDC, EMA, District Development Coordinators and Traditional leaders on the companies allocated mining claims. The district authorities should then have a register that document all the mining companies that are operating in their jurisdiction.

3. To ensure that communities are engaged, the RDC should establish Standard Operational Procedures (SOPs) that involve local communities, local leadership and district officials. This will enhance local communities' participation in protecting their environment. This will further give powers over the mining companies so that they comply with the regulations.

4. For the attainment of positive results and the promotion of timely provision of services, it is recommended that more resources be mobilized to support key structures that monitor environmental rights protection.

5.6 Suggestions for further research

This study objectively looked at the environmental rights monitoring process in mining communities where conflicts are very prevalent. The study linked the nexus between conflict and environmental rights violations and the efforts by different stakeholders are monitoring the different types of environmental rights violations. The researcher therefore suggests that there be further research around machete gang violence in mining communities as there has been a surge of the incidents yet there is little documentation

that provide empirical evidence. Machete Gang violence have implications to several human rights aspects such as right to life and right to individual security.

List of References

Adebowale*, M., Church, C., Nduta, B., Boris, V. and Panina, Y. (2001). *Environment and Human Rights: A New Approach to Sustainable Development. World Summit on Sustainable Development.* International Institute for Environment and Development.

Adler, P., Forbes, L., and Wilmott, H. (2007) Critical Management Studies. *Academy of Management Annals*, 1(1): 119-179.

Adorno, T. W., and Horkheimer, M. (1972). *Dialectic of Enlightenment*. New York: Herder and Herder Inc.

Aguilar, G., (2001). Access to genetic resources and protection of traditional knowledge in the territories of indigenous peoples. *Environmental Science and Policy* 4, 241–256.

Alves, J, A., (2000). *"The Declaration of Human Rights in Postmodernity",*

Anderson, P., (1974). *Lineages of the Absolutist State*. London: New Left Books.

Armiger, B. (1997). Ethics in Nursing Research: Profile, Principles, Perspective. *Nursing Research Journal,* 1997;26 (5): 330-333.

Beauchamp, T. L. & Childres, J. F (2001). *Principles of Biomedical ethics*, 5th ed. Oxford University Press: Oxford,

Bonacker, T., and Brodozc, A., (2001). "Im Namen der Menschenrechte:Zur symbolischen Integration der internationalen Gemeinschaft durch Normen", *Zeitschrift fur Internationale Beziehungen* 8(1), pp. 178–208.

Brownlie, (1983). *Principles of Public International Law*, 273

BSR: https://www.bsr.org/en/industry-focus/energy-and-extractives

Carlsnaes, W., Risse, T, and Simmons, B, A,. (2002). *Handbook of International Relations*. London: Sage.

Castro, A. P., and Nielsen, E., (2001). Indigenous people and co-management: implications for conflict management. *Environmental Science and Policy* 4, 229–239.

Chabal, P., and Daloz, J. P., (1999). *Africa Words: Disorder as Political Instrument*. London: James Currey.

Chinamhora, W. and Ruhukwa, D. (1995). *Towards An Environment Management Act Review And Revision Of Zimbabwe's Environmental Legislation.* Ministry Of Environment and Tourism: Harare.

Creswell, J. W. (2014). *Research Design: qualitative, quantitative, and mixed methods approaches (4th ed)*. London: Sage.

Dagmang, F. D. (2014) Praxis and Theory of Environmental Marxism. Journal of Dharma: *Dharmaram Journal of Religions and Philosophies* (DVK, Bangalore), ISSN: 0253-7222

file:///C:/Users/User%202/Downloads/DharmaPraxisandTheoryofEnvironmental Marxism.pdf

Duriau, R., and Pfarrer, T., (2007). A Content analysis of the Content analysis literature in organisation studies: research themes, data sources and methodological refinements, *Organisational Research Methods*, 10(1), 5-34.

Environmental Change and International Law: New Challenges and Dimensions. Tokyo: United Nations University Press, pA14.

Environmental Management Act (Chapter 20:27)

Environmental Management Act Chapter 20:27 (2002), Government Printers: Harare

Epps, J., and Brett, A., (2000). Engaging stakeholders. In: Otto, J.M., Cordes, J. (Eds.), *Sustainable Development and the Future of Mineral Investment*. UNEP: France (Chapter 1).

Fouka, G. and Mantzorou, M. (2011). What are the Major Ethical Issues in Conducting Research? Is there a Conflict between the Research Ethics and the Nature of Nursing?. *Health Science Journal.* Volume 5, Issue 1, pp: 3-14

Ghetnet, M. W., (2010) *Conceptual and Methodological Framework for Human Rights Monitoring.* https://www.abyssinialaw.com/blog-posts/item/1457-conceptual-and-methodological-framework-for-human-rights-monitoring

Goodhart, M., (2003). "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization", *Human Rights Quarterly* 25(4), pp. 935–964.

Handelsman, S. D. (2002). *Human Rights in the Minerals Industry*. Mining, Minerals and Sustainable Development. International Institute for Environment and Development (IIED).

Henley, D. C. (1990). *A Review of Zimbabwe's Natural Resources and Land Use Legislation*. CIDA: Harare.

Hilson, G., (2002). An overview of land use conflicts in mining communities. *Land Use Policy* 19 (2002) 65–73

Human Rights Watch, (2009). *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe* (June 2009).

Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). (2017). *Global Trends in Artisanal and Small-Scale Mining (ASM): A review of key numbers and issues*. Winnipeg: IISD.

International Institute for Environment and Development (2002) "*Breaking New Ground: Mining, Minerals and Sustainable Development*: Chapter 9: Local Communities and Mines. Breaking New Grounds."

Kapoor S. K., (2009), International Law and Human Rights, Central Law Agency, Allahabad (17th edition) 408, *Human Rights Quarterly* 22(2), pp. 478–500.

Mæhlum, M. (2008). *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*. The Norwegian Centre for Human Rights.

Manayiti, O., (2018) *Human rights violations exposed in mining areas.* August 24, 2018 https://www.newsday.co.zw/2018/08/human-rights-violations-exposed-in-mining-areas/. Newsday

Mapzi, S. (1984). "*Developing Countries Perceptions of Environmental Protection and Economic Development,* U,N" vol. 24 P.489 at p.499-502,

Mathe, M,. and Phiri, A,. (2016). The impact of mining on the Environment in Gwanda District Zimbabwe: A case study of Blanket Mine. *Imperial Journal of Interdisciplinary Research* (IJIR) Vol-2, Issue-5, 2016. ISSN: 2454-1362,

McLeod, H., (2000). *Compensation for landowners affected by mineral development: the Fijian experience.* Resources Policy 26, 115–125.

Mining Watch, (2000). *On the Ground Research: A Workshop to Identify the Research Needs of Communities Affected by Large- Scale Mining*. Ottawa: Mining Watch Canada and the Canadian Consortium for International Social Development (CCISD).

Moyo, M., P (02 July 2019). *Machete wielding gangs terrorize villagers in Zvishavane*, Bulawayo 24 News.

Mpofu, M., (2019). *1 dies as war erupts after machete gang rounded up villagers and forced them to enter disused mine.* 23 April 2019. My Zimbabwe News. https://www.myzimbabwe.co.zw/news/44516-1-dies-as-war-erupts-after-machete-gang-rounded-up-villagers-and-forced-them-to-enter-disused-mine.html Retrieval Date 10.11.19

Neuman, W. L. (2007). *Basic of Social research:* Qualitative and Quantitative Approaches 2nd edition**.** New York: Pearson.

Nyamukondiwa, W. (30   November 2018). *Machete gang in court*, Herald, https://www.herald.co.zw/machete-gang-in-court/

Odhiambo, O, M., (2000). *Oxfam Karamoja Conflict Study*: A Report. Kampala: Oxfam.

Office of the High Commissioner for Human Rights (OHCHR) 2011. Guiding principles for business and human rights: implementing the UN "protect, respect and remedy" framework. *Report of the special representative of the secretary-general on the issue of human rights and transnatoinal corporations and other business enterprises*, Prof. John Ruggie, Harvard University Kennedy School of Government.

Office of the United Nations High Commissioner for Human Rights (2011). *Manual on Human Rights Monitoring*. UN

Parekh, B., (1999). "Non-Ethnocentric Universalism", in Tim Dunne and Nicholas J. Wheeler (eds) *Human Rights in Global Politics*. Cambridge: Cambridge University Press, pp. 128–159.

Perelman, M., (2000). *The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation*. London: Duke University Press.

Principal 21, Stockholm Declaration. 1972.

Rajah, N., Dino,J and Steven, J. (2012). Challenges in Implementing an Integrated Environmental Management Approach in Zimbabwe. *Journal of Emerging Trends*

in Economics and Management Sciences (JETEMS) 3(4):408-414 (ISSN:2141-7024)

Rao P.K. (2002). *International Environmental Law and Economics.* Oxford: Blackwell Publishers.

Research Committee of University of Gloucestershire, (2018). *Research Ethics: A Handbook of Principles and Procedures*. University of Gloucestershire

Risse, T., Ropp, Stephen, C., and Sikkink, K. (1999). *The power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press

Rusvingo. S. L., (2014). The Zimbabwe soaring Unemployment Rate of 85%: A ticking Time Bomb not only for Zimbabwe but for the Entire SADC Region. *Global journal of management and business research: B Economics and Commerce*. Volume 14 Issues 9 Version 1.0 Year 2014.

Rutherford, D. (2018). *States' Obligations Under International Human Rights Conventions: The Implications for Government Sport Policy*. New Zealand: Commonwealth.

Ryan, G. W., (2003). *Technique to identity themes*. Sage publications, 15 (1), 85-109

Sands, P. (2004). Principles of International Environmental Law. London: Cambridge University Press.

Search For Common Ground (2014). *Human Rights Monitor's Guide Book: A tool for monitoring, documenting and reporting human rights violations in Nigeria*. Abuja: Search for Common Ground.

Seitz, N. E., Westbrook, C. J. and Noble, B. F. (2011). Bringing science into river systems cumulative effects assessment practice. *Environmental Impact Assessment Review,* 31**,** 172-179.

Showers Mawowa (2013) The Political Economy of Artisanal and Small-Scale Gold Mining in Central Zimbabwe, *Journal of Southern African Studies*, 39:4, 921-936.

Silverman, D., (2010). *Doing qualitative research* (3rd ed.). London: Sage.

Simmons, A. J., (2001) 'Human Rights and World Citizenship: The Universality of Human Rights in Kant and Locke', *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge: Cambridge University Press, 2001), 179-96., p. 185.

Smith, E. (2011) *Enforcing the Rules: Government and Citizen Oversight of Mining*. Columbia: Revenue Watch Institute.

Speth, J. G., (2008) *The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis of Sustainability*. Yale: Yale University Press.

Spiegel, S. J., (2015). Shifting Formalization Policies and Recentralizing Power: The Case of Zimbabwe's Artisanal Gold Mining Sector. *Society & Natural Resources*, 28:5, 543-558, DOI: 10.1080/08941920.2015.1014606

Spohr, M. (2016). *Human Rights Risks in Mining: A Baseline Study*. Max Planck Foundation for International Peace and Rule of Law

Stammers, N., (1999) "Social Movements and the Social Construction of Human Rights", *Human Rights Quarterly* 21(4), pp. 980–1008.

Steiner, Henry J. and Philip Alston (2000) *International Human Rights in Context: Law, Politics, Morals*, 2nd edn. Oxford: Oxford University Press.

Sweeting, A.R., and Clark, A.P., (2000). *Lightening the Lode: a Guide to Responsible Large-Scale Mining*. Business and Policy Group. Washington: Conservation International.

Tatli, A., (2012). On the power and poverty of critical (self) reflection in critical management studies: A comment on Ford, Harding and Learmonth. *British Journal of Management*, 23: 22-30

Tomasevski, K. (1992). "Monitoring Human Rights Aspects of Sustainable Development." *American University International Law*. Review 8, no. 1: 77-102.

UNDP (2018). *Extracting Good Practices: A Guide for Governments and Partners to Integrate Environment and Human Rights into the Governance of the Mining Sector*. New York: United Nations Development Programme.

UNDP and UN Environment (2018). *Managing mining for sustainable development: A sourcebook*. Bangkok: United Nations Development Programme

UNDP and UN Environment (2018). *Managing mining for sustainable development: A sourcebook*. Bangkok: United Nations Development Programme.

Verheye, W.H., (1997). Land use planning and national soils policies. *Agricultural Systems* 53, 161–174.

Water Act (Chapter 20:24), (1998). Harare: Government Printers.

Zarsky L; (2002). *Human rights and the environment: Conflict and norms in a globalizing world*. London: Earthscan Publications Ltd.

Zela (2018). *Zimbabwe National Report on the State of Business and Human Rights in Mining Sector 2018: The Case of Mutoko and Zvishavane*.

Zimbabwe Constitutional Amendment (19) of 2013.

Zimbabwe Human Rights NGO Forum (2018). *State of Human Rights Report: Zimbabwe*. Harare, Sable Press.

Appendix 1: Informed Consent Guide

My name is **Nyamakura Tungamirai Astrid** , a final year Masters in Human Rights, Peace and Development (MHRPD) student from Africa University. I am carrying out a study on **Environmental Rights Monitoring in Conflict Hotspot areas, the case of Zvishavane Mining community.** I am kindly asking you to participate in this study by answering questions.

What you should know about the study:

Purpose of the study:

Analyse the environmental rights monitoring in conflict hotspot areas especially looking at mining communities.

Procedures and duration

If you decide to participate your assistance, keen sense and understanding will be greatly appreciated. It is expected that this will take about 45 minutes of the interview/discussion.

Risks and discomforts

In this study, there are no foreseeable risks, discomforts or inconveniences to the subject/participant including legal, health, economic or psychological.

Benefits and/or compensation

There are no monetary or any other benefits in this study. However, the study may benefit through the recommendations to the environmental rights monitoring agencies in Zimbabwe.

Confidentiality

Any information that is obtained in the study that can be identified with the participant will not be disclosed without their permission. Names and any other identification will not be asked for in the questionnaires.

Voluntary participation

Participation in this study is voluntary. If participant decides not to participate in this study, their decision will not affect their future relationship with the Researcher. If they chose to participate, they are free to withdraw their consent and to discontinue participation without penalty.

Offer to answer questions

Before you sign this form, please ask any questions on any aspect of this study that is unclear to you. You may take as much time as necessary to think it over.

Authorisation

If you have decided to participate in this study, please sign this form in the space provide below as an indication that you have read and understood the information provided above and have agreed to participate.

--   --------------------------------

Name of Research Participant (please print)   Date

Signature of Research Participant or legally authorised representative

If you have any questions concerning this study or consent form beyond those answered by the researcher including questions about the research, your rights as a research

participant, or if you feel that you have been treated unfairly and would like to talk to someone other than the researcher, please feel free to contact the Africa University Research Ethics Committee on telephone (020) 60075 or 60026 extension 1156 email aurec@africau.edu

Name of Researcher – Tungamirai Astrid Nyamakura

Appendix 2: Questionnaire Form

District		Ward	
Gender		Age	
Date of Interview		Code Number	

Good morning/afternoon. My name is Nyamakura Tungamirai Astrid, a final year Masters in Human Rights, Peace and Development (MHRPD) student from Africa University. I am carrying out a study on Environmental Rights Monitoring in Conflict Hotspot areas, the case of Zvishavane Mining community. I am kindly asking you to participate in this study by answering questions.

I would very much appreciate your participation since you have been selected to take part in this process. The discussion will take about 30 minutes of your time. Whatever information you provide will be kept strictly confidential and will not be tied back to you as an individual. Only summary results will be used for the research document. Participation in this research study is voluntary and I would want you to share openly and honestly your views and experiences. If you are uncomfortable in answering any question, you do not have to answer it.

Section 1: Link between resource-based conflict and environmental rights violation of individuals and groups in mineral rich communies. [*tick were appropriate*]

1. Which Mining Companies operate in this area?

1. …………………………………………………………………
2. …………………………………………………………………
3. …………………………………………………………………
4. ……………………………………………………………….
5. ……………………………………………………………….

2. Do you have resource based conflicts in this community?   [yes] ☐   [no]☐

3. What are the common conflicts in this area? [a] farmer-miner conflicts☐ [b] miner-

community conflict☐ [c] miner-miner conflict☐ [d] Others ☐

List the

others…………………………………………………………………………………….

4. (a) Indicate the nature of the conflicts. [a] Violent☐   [b] calm ☐   [c] latent☐

5. What are the timelines of the common conflicts?   [a] protracted☐ [b]

sporadic☐ [c] Perennial☐

6. Rank the relationship between communities and Miners

Stakeholders	Relationship Rankings		
Local Communities and Large-scale miners	Good	Moderate	Bad
Local Communities and Medium scale miners	Good	Moderate	Bad
Local Communities and small-scale miners	Good	Moderate	Bad

Section 2: Patterns of environmental rights abuses and violations (The types,

frequency, and causes of human rights violation). [*tick where appropriate*]

1. Were you consulted when the mining entities site their claims in the area? [yes]☐

[no]☐

2. Do the communities participate in the development of the Environmental Impact

Assessments (EIA)? [yes]☐ [no]☐

3. Which Mineral Resource is commonly mined in this area? [a] Gold☐ [b] Platinum

[c] Chrome☐ [d] Diamond☐

4. What are main environmental rights abuses and violations in this community?

[a] land degradation☐ [b] water body contamination☐ [c] Gas emissions☐ [d] disposal

of dangerous residue to the environment☐ [d] noise pollution☐ [e] Others☐

Others:………………………………………………………………………………………

……………………………………………………………………………………………

5. Who is the main violator of environmental rights in this community?

[a] Large-scale mining companies☐ [b] Medium scale mining companies☐ [c] Medium

scale miners☐

6. What do you think is the cause of environmental rights violations?

   i.   ………………………………………………………………………………………
  ii.   ………………………………………………………………………………………
 iii.   ………………………………………………………………………………………
 iv.   ………………………………………………………………………………………

7. What are the effects of environmental rights violations in this community?

   i.   ………………………………………………………………………………………
  ii.   ………………………………………………………………………………………
 iii.   ………………………………………………………………………………………

iv.   ……………………………………………………………………………………

Section 3: Environmental rights monitoring, and documentation procedures taken by different stakeholders operating in these communities. [*tick where appropriate*]

1. Do you have government departments that monitor and enforce environmental rights in this community? [yes]☐ [no]☐

(b) If Yes, to what extent have they been effective [a] greater extent☐ [b] moderate extent ☐[c] lesser extent☐

2. Do they engage you when collecting information [yes]☐ [no]☐

3. Has the community been trained to have the adequate skills to monitor and document the rights violations? [yes]☐ [no]☐

4. (a) Do You have community-based monitoring structures of environmental protection? [yes] [no]

(b) If Yes, to what extent have they been effective☐ [a] greater extent☐ [b] moderate extent [c] lesser extent☐

5. How is the data collected during monitoring process?

   i.   ……………………………………………………………………………………
  ii.   ……………………………………………………………………………………
 iii.   ……………………………………………………………………………………
  iv.   ……………………………………………………………………………………

7. (a) Do you have Civil Society Organization/ NGOs monitoring and documenting environmental rights in this community? [yes]☐ [no]☐

If yes, can you state them

   i.   …………………………………………………………………………………

   ii.   …………………………………………………………………………………

   iii.   …………………………………………………………………………………

   iv.   …………………………………………………………………………………

(b) If Yes, to what extent have they been effective [a] greater extent☐ [b] moderate extent ☐[c] lesser extent☐

8. Do these NGOs engage the community when collecting data [yes]☐ [no]☐

9. Have they trained the communities to have adequate skills to monitor and document the rights violations? [yes]☐ [no]☐

10. Is the information shared with local companies extracting in your community? [yes]☐ [no]☐

11. Are the mining companies responsive to the issues raised? [yes]☐ [no]☐

12. What are the challenges to environmental human rights monitoring in your community

   i.   …………………………………………………………………………………

   ii.   …………………………………………………………………………………

iii. ……………………………………………………………………………………

iv. ……………………………………………………………………………………

Section 4: Human Rights based Advocacy strategy used by Human rights

monitoring agents in conflict prone areas. [*tick where appropriate*]

1. How do you ensure compliance to environmental regulations by miners?

i. …………………………………………………………………………………

ii. …………………………………………………………………………………

iii. …………………………………………………………………………………

iv. …………………………………………………………………………………

2. What are the engagement patterns with the miners? [a] once per month☐ [b] once per

quarter ☐[c]once per 6months☐ [d] once annually☐ [e] others☐

Others……………………………………………………………………………………

3. What are the engagement strategies? [a] Community meetings with miners☐ [b]

meetings with the community leaders☐ [c] Complains to RDC☐ [d] Organized

meetings by CSOs/NGOs/CBOs☐   [e] others ☐

………………………………………………………………………………

4. Have you raised the issues with the local authorities? [yes] ☐[no]☐

b. If yes, If Yes, to what extent have they been effective [a] greater extent☐ [b]

moderate extent☐ [c] lesser extent☐

5. Have you raised the issues with the central government? [yes]☐ [no]☐

b. If yes, If Yes, to what extent have they been effective [a] greater extent☐ [b]

moderate extent☐ [c] lesser extent☐

6. Satisfaction with the government departments' effort in ensuring environmental rights

protections

Government Department	Satisfied	Moderately satisfied	Not satisfied
EMA	1	2	3
Ministry of Mines	1	2	3
Ministry of Environment	1	2	3

7. Is the Zimbabwe Human Rights Commission active in this community to monitor

environmental rights?   [Yes]☐   [No] ☐

   b. Satisfaction with the ZHRC [a] Satisfied☐ [b] Moderately satisfied☐ [c] not

satisfied☐

8. Any other comments

   i.   ……………………………………………………………………………

  ii.   ……………………………………………………………………………

 iii.   ……………………………………………………………………………

  iv.   ……………………………………………………………………………

Thank you for participating.

Appendix 3: Key Informant Interview Guide

Good morning/afternoon. My name is **Nyamakura Tungamirai Astrid**, a final year Masters in Human Rights, Peace and Development (MHRPD) student from Africa University. I am carrying out a study on **Environmental Rights Monitoring in Conflict Hotspot areas, the case of Zvishavane Mining community**. I am kindly asking you to participate in this study by answering questions.

I would very much appreciate your participation since you have been selected to take part in this process. The discussion will take about 45 minutes of your time. Whatever information you provide will be kept strictly confidential and will not be tied back to you as an individual. Only summary results will be used for the research document. Participation in this research study is voluntary and I would want you to share openly and honestly your views and experiences. If you are uncomfortable in answering any question, you do not have to answer it.

1. Which mining activity is common in this district and what are the main parties?

2. What are the common conflicts in this area?

3. Have the conflicts affected the relationship between local communities and miners?

4. To what extent have the conflicts contributed to environmental rights violations?

5. What are the key environmental concerns in this area?

6. What has been the impact of the environmental rights violations?

7. Who is responsible for monitoring the environment issues in these communities?

8. What is your role as a key stakeholder? Which other stakeholders are key to these processes and why?

9. What are the key challenges faced in monitoring environmental human rights?

10. How best can environmental rights be monitored and documented?

11. Which laws and guiding frameworks can be used for monitoring environmental rights?

Thank you for participating.

Appendix 4: Focus Group Discussion Guide

Good morning/afternoon. My name is **Nyamakura Tungamirai Astrid**, a final year Masters in Human Rights, Peace and Development (MHRPD) student from Africa University. I am carrying out a study on **Environmental Rights Monitoring in Conflict Hotspot areas, the case of Zvishavane Mining community**. I am kindly asking you to participate in this study by answering questions.

I would very much appreciate your participation since you have been selected to take part in this process. The discussion will take about 45 minutes of your time. Whatever information you provide will be kept strictly confidential and will not be tied back to you as an individual. Only summary results will be used for the research document. Participation in this research study is voluntary and I would want you to share openly and honestly your views and experiences. If you are uncomfortable in answering any question, you do not have to answer it.

1. Which mining activity is common in this district and what are the main parties?

2. What are the common conflicts in this area?

3. Have the conflicts affected the relationship between local communities and miners?

4. To what extent have the conflicts contributed to environmental rights violations?

5. Are you consulted when mining companies come into the communities?

6. What are the key environmental concerns in this area?

7. What has been the impact of the environmental rights violations?

8. Who is responsible for monitoring the environment issues in these communities?

9. Which local structures do we have for monitoring purposes?

10. Are you aware of any laws and guiding frameworks can be used for monitoring environmental rights?

11. What are the key challenges faced in monitoring environmental human rights?

12. How best can environmental rights be monitored and documented?

Thank you for participating.

Appendix 5: Observation Guide

1. Mining Activities taking place in the area

2. Environmental issues in the communities

3. Main sources of livelihood for the communities

Appendix 6: AUREC Approval Letter

AFRICA UNIVERSITY
RESEARCH ETHICS
COMMITTEE (AUREC)

AFRICA
UNIVERSITY
(A United Methodist-Related Institution)
INVESTING IN AFRICA'S FUTURE

P.O. Box 1320 Mutare, Zimbabwe, Off Nyanga Road, Old Mutare-Tel (+263-20) 60075/60026/61611 Fax: (+263 20) 61785 website: www.africau.edu

Ref: AU1303/19   14 January, 2020

Nyamakura Tungamirai
C/O CBPLG
Africa University
Box 1320
Mutare

RE: ENVIRONMENTAL HUMAN RIGHTS MONITORING IN CONFLICT
HOTSPOT AREAS, THE CASE OF ZVISHAVANE MINING COMMUNITY

Thank you for the above titled proposal that you submitted to the Africa University Research Ethics
Committee for review. Please be advised that AUREC has reviewed and approved your application to
conduct the above research.

The approval is based on the following.
   a) Research proposal
   b) Questionnaires
   c) Informed consent form
   •   **APPROVAL NUMBER**   AUREC1303/19
This number should be used on all correspondences, consent forms, and appropriate documents.
   •   **AUREC MEETING DATE**   NA
   •   **APPROVAL DATE**   January 14, 2020
   •   **EXPIRATION DATE**   January 14, 2021
   •   **TYPE OF MEETING**   Expedited
After the expiration date this research may only continue upon renewal. For purposes of renewal, a
progress report on a standard AUREC form should be submitted a month before expiration date.
   •   **SERIOUS ADVERSE EVENTS** All serious problems having to do with subject safety must be
       reported to AUREC within 3 working days on standard AUREC form.
   •   **MODIFICATIONS** Prior AUREC approval is required before implementing any changes in the
       proposal (including changes in the consent documents)
   •   **TERMINATION OF STUDY** Upon termination of the study a report has to be submitted to
       AUREC.

Yours Faithfully

MARY CHINZOU – A/AUREC ADMINISTRATOR
FOR CHAIRPERSON, AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE

AFRICA UNIVERSITY
RESEARCH ETHICS COMMITTEE (AUREC)

1 4 JAN 2020

APPROVED
P.O. BOX 1320, MUTARE, ZIMBABWE

Appendix 7: Runde RDC Research Approval Letter

RUNDE RURAL DISTRICT COUNCIL

P. O. BOX 240   ZVISHAVANE

Tel: (051) 3734 (Chief Executive Officer), 2438 (Switchboard), 3735 (E.O. Finance)

25 February 2020

T. Nyamakura

139 Coronation AV
Greendale
Harare

Dear Sir

RE: AUTHORITY TO UNDERTAKE RESEARCH: TUNGAMIRAI NYAMAKURA

This letter serves as authority for Tungamirai Nyamakura to undertake his academic research on the topic Environmental Human Rights Monitoring in Conflict Hotspot Areas, The Case of Zvishavane Mining Community.

This is in partial fulfillment of his Masters in Human Rights, Peace and Development studies at Africa University.

The Runde Rural District Council has no financial obligation, and neither shall it render further assistance in the conduct of the research unless if it is for knowledge within the council. The researcher is however requested to avail a copy of the research to the undersigned residents of the respective 5 wards (Ward 5, Ward 6, Ward 3, Ward 17 and Ward 19) under study. The research should not be used for any other purpose other than for the study purpose specified.

Yours Sincerely

G. Moyo
Chief Executive Officer

CHIEF EXECUTIVE OFFICER
RUNDE R.D.C
2 5 FEB 2020
BOX 240, ZVISHAVANE

Appendix 8: Pictures

Figure 24: Chrome mining (Primary source)

Figure 25: Polluted River water (Primary Source)

Urkund Report - Tungamirai Nyamakura.docx (D64303893).pdf - Adobe Reader

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Click on Tools to convert files to PDF.

URKUND

Urkund Analysis Result

Analysed Document: Tungamirai Nyamakura.docx (D64303893)
Submitted: 2/24/2020 9:15:00 AM
Submitted By: djeranyama@africau.edu
Significance: 5 %

Sources included in the report:

ROUGH DRAFT DESETATION.docx (D51519655)
https://repository.upenn.edu/cgi/viewcontent.cgi?article=1006&context=mes_capstones

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