
**‘BOOM OR GLOOM?’
AN EXAMINATION OF THE IMPACT OF MINING ACTIVITIES ON THE
LIVELIHOODS OF FEMALE SMALL HOLDER FARMERS IN ZVISHAVANE
DISTRICT, ZIMBABWE**

BY

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Abstract

Many studies have focused on how mining activities have affected local communities however very few of them have examined the impact of the extractive industry on the livelihood activities of rural women. The extraction of minerals has caused massive environmental degradation as well as air, water and noise pollution. Women, because of their gender roles, largely rely on their environment and therefore bear the brunt of the negative impacts of mining activities. The legislative and policy framework has not provided adequate safeguards for the livelihoods of female small holder farmers. The study sought to understand how women's livelihood activities have been affected by mining activities in Zvishavane, Zimbabwe. The research which is guided by the Women's Law Approach explores the impact that mining activities have on rural women's livelihood activities. Utilising the feminist-ecological perspective the research finds that mining has some negative effects on agricultural activities being carried out by women because it negatively affects the natural environment. It also finds that although farming activities have been affected, mining activities have led to the diversification of rural livelihoods in Zvishavane. Furthermore women have tried to participate in the mining industry with little success but have managed to do well in downstream support services. The law has proved to be inadequate in safeguarding the livelihoods of the rural farmers. In cases where the law is available it has proved ineffective as a result of weak implementation mechanisms. There is a need for legal and policy reforms particularly in the conducting of Environmental Impact Assessments so that issues of gender are properly addressed. Law reform initiatives should consult widely particularly communities affected by mining activities. Furthermore, Non-Governmental Organisations should assist women harmed by mining through Public Interest Litigation Initiatives.

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Declaration

I, Debra Mwase, declare that no portion of the work referred to in this dissertation has been presented elsewhere before for any other thesis. I certify that it is my original work; it is an honest and true effort of my personal research.

Signed.....

Date.....

This dissertation was submitted for examination with my approval as the University Supervisor

Signed.....

Date.....

Professor J.E. Stewart

Director of the Southern and Eastern African Regional Centre for Women’s Law, University of Zimbabwe

Date.....

Signed.....

List of abbreviations

ADRA	Adventist Development and Relief Agency
CSOT	Community Share Ownership Trust
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
EMA	The Environmental Management Agency
EMP	Environmental Management Plan
FAO	Food and Agricultural Organisation
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GIA	Gender Impact Assessment
NFLS	Nairobi Forward Looking Strategies
NGO	Non-Governmental Organisation
RDC	Rural District Council
SEARCWL	Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe
SI	Statutory Instrument
UNDP	United Nations Development Programme
WSSD	World Summit on Sustainable Development
ZELA	Zimbabwe Environmental Lawyers Association
ZIMASCO	Zimbabwe Mining and Smelting Company
ZimVac	Zimbabwe Vulnerability Assessment
ZINWA	Zimbabwe Water Authority

List of human rights instruments

African Union Convention on the Conservation of Nature and Natural Resources

Beijing Platform for Action

Convention for Climate Change

Convention on Biological Diversity

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Millennium Development Goals

Nairobi Forward Looking Strategies

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

List of local legislation

Communal Lands Act [Chapter 20:04]

Constitution of Zimbabwe Amendment No. 20 of 2013

Environmental Management Act [Chapter 20:27]

Land Acquisition Act [Chapter 20:10]

Mines and Minerals Act [Chapter 21:05]

Rural District Councils Act [Chapter 29:13]

Traditional Leaders Act [Chapter 29:17]

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Executive summary

This research is the culmination of a study that was conducted by the author in Zvishavane district in the Midlands province of Zimbabwe. The research contributes to the body of knowledge on the impact of mining activities on the livelihoods of female small holder farmers. It does so by examining the relationship between miners and farmers through legal and gender analyses.

The research began as an ambitious project that the author was not sure would succeed. The methodology used in the research was largely premised on the women's law and the grounded theory approaches. The grounded theory approach helped in adjusting the research design to suit the situation on the ground. The data collection tools helped in generating valid data and in the triangulation of the information gathered. The highlight of the study was adapting tools from other disciplines in the study, for example, the gender timeline. The tool not only assisted in collecting data but also validated some of the assertions put forward by prominent feminist jurists like Stang Dahl.

Mining and farming are the most common economic activities in Zvishavane. However the two activities are incompatible because of the negative impact that mining has had on the environment. Zvishavane is endowed with vast mineral deposits however this wealth has failed to translate into meaningful development for women in the district. Mining has had a negative impact on the livelihood activities of farmers. The situation is worse for women because their economic productivity is dependent on the environment. Women's close relationship with nature has been explored by ecofeminists like Vandana Shiva and Carolyn Merchant. These feminists view women as the managers of the environment. The international community has also made attempts to aid the emancipation of women in the area of sustainable development and environmental management. Local legislation has been weighed down by archaic colonial laws that are gender neutral. The law has failed to work for women in this case.

Although mining has yielded negative results of for women involved in the activity, they have enjoyed some positive outcomes to their livelihoods particularly those involved in small scale farming. Some women have ventured into mining whilst others are now participating in

other economic activities like vending and offering support services to the mining companies. However, the reproductive roles of women are used to deny them employment in the mining sector. Mining companies have not made any effort to transform the work environment to sufficiently meet women's biological and physiological needs.

The research found that although farming activities have been affected by the extraction of minerals, mining activities have led to a diversification of rural livelihoods in Zvishavane. Women have tried to participate in the mining industry with little success but have managed to do well in downstream support services. The participation of women in the mining sector has proved challenging because of the political dynamics at play in the sector. It is also difficult for them to individually and collectively assert their rights. The law has also proved to be inadequate in safeguarding the livelihoods of rural farmers. In cases where the law is available it has been affected by weak implementation mechanisms. While mining activities have brought unprecedented changes to the lives of women in Zvishavane, the few good changes are outnumbered by the negative. There is a possibility of instituting a constitutional challenge attacking the negative impact of mining. This could provide hope for justice for women in the face of the closure of some mining companies that are responsible for environmental degradation.

CHAPTER 1

1.0 DISPUTED TERRAINS: A BRIEF OVERVIEW ON THE GROWING STRUGGLE BETWEEN MINING AND AGRICULTURE IN ZVISHAVANE

1.1 Introduction

When I first visited Zvishavane district I was intrigued by the landscape and the vast numbers of young men I saw walking along the Shurugwi- Zvishavane Road. The landscape along the foothills of the scenic Boterekwa Mountains is barren and full of large pits, evidence of expansive excavation occurring along the Great Dyke. Having spent most of life travelling along the Harare-Mutare road I was surprised by the absence of any evidence of crops. Although I encountered many young men carrying shovels and other digging implements, I did not see any women. It made me wonder where the crops and women were. I had come to appreciate the close relationship between women and nature so when I saw this sorry spectacle of environmental desecration and the absence of women I felt the need to find out more. Through discussions with staff from Runde Rural District Council, I learned of the dilemma that the district of Zvishavane was facing.

1.1.1 To farm or to mine? The livelihood dilemma in Zvishavane

Mining is not a new phenomenon in Zimbabwe nor was it introduced during colonisation. Since time immemorial, both men and women have been engaged in various mining activities in order to meet their human essential needs, such as the manufacture of tools and implements to use in agriculture and hunting, shelter, weapons, ornaments, structures, transport devices and machinery (UNIFEM 1999). Mining projects are often established on land which is already occupied and used by people who depend on farming, livestock rearing and fishing for their livelihoods.

The establishment of a mining project will therefore cause changes in the environment, economy and society of these people. These changes can either be positive or negative. Positive changes are associated with enhanced welfare of the society through responsible mining that is socially and environmentally sensitive. Meanwhile, negative changes are associated with irresponsible mining that diminishes the welfare of host communities through environmental degradation, destruction of the means of livelihoods and other social costs.

Mining and farming have played a significant role in the economy of Zimbabwe, dating back to pre-colonial times and they remain important to the economy of the country. Mining and agriculture are the key economic activities in Zimbabwe. Since Zimbabwe's land reform process in the year 2000 and the subsequent economic down turn, increasing focus has been placed on mining as the main productive activities. Growth in the sector has seen an increase in small and large scale mining operations. According to the Chamber of Mines, the mining sector has grown by over thirty five percent (35%) in the period 2009 to 2011. And during this period, the mining sector's contribution to Gross Domestic Product (GDP) increased from 4% to 16, 9%.

Unfortunately existing systems to monitor mining activities and ensure that they comply with good environmental practice have not managed to keep up with the sector's growth. As a result many mining operators have taken advantage of this oversight and failed to adhere to environmental regulations governing mining. Land in many rural communities situated in Zimbabwe's Great Dyke area is now marred by mining pits left open after excavation has taken place, poisoned water sources and polluted air. Injuries and deaths of both people and livestock have resulted from this poor mining practice. On the other hand according to the Food and Agricultural Organisation (FAO) approximately 70 percent of Zimbabwe's population is dependent on farming for their livelihoods. However, more than 80 percent of the country is subject to conditions which make dry land crop production a risky enterprise because of low and erratic rainfall. Although mining has the potential of changing the economic prospects of the country it can also undermine the livelihoods of the local community especially female small holder farmers as it leads to environmental degradation.

The fast track land reform process led to the double allocation of land as people were settled on land already covered by mining claims. This situation created immediate head-on-competition between mining and small-scale agricultural activities for the use and control of land. The two sectors are largely incompatible because the extraction of minerals generates pollutants that have a harmful impact on agricultural activities. These harmful impacts can be permanent and can cause previously fertile farming land to become infertile. The situation is worsened by lack of co-ordination amongst various government departments which has resulted in weak oversight of the mining industry.

Furthermore, the state's legislative and policy framework has not provided adequate safeguards to the livelihoods of small scale farmers. The 1961 Mines and Minerals Act is the major piece of legislation regulating mining activities in Zimbabwe. It was designed to favour large scale mining which was dominant at the time the Act was drafted and does not address the issue of sustainable environmental management. As such it also fails to deal adequately with contemporary issues of small scale mining, land reform/resettlement and sustainable environmental management. More recent pieces of legislation like the Environmental Management Act that address these issues are not effectively implemented. There has been widespread flouting of regulations and weak implementation of legal and policy provisions.

Mining has affected the community in Zvishavane in many ways in that it has created employment and provided basic infrastructure like schools, clinics and roads. However it has caused massive environmental degradation as well as air, water and noise pollution. Women, because of their gender roles largely rely on the environment and therefore bear the brunt of the negative impact of mining activities. The livelihoods of women are dependent on farming and the undermining of agricultural activities inevitably leads to poverty for women. Furthermore women constitute the majority of small holder farmers and many households in Zvishavane are female-headed (Parliament of Zimbabwe, 2011). Customary prejudices that women face are exacerbated by mining activities especially access, control and ownership of land.

1.1.2 From Ghost Town to Glamour Town: Revival of Mining Activities in Zvishavane (2000s)

The town of Zvishavane owes its existence to one of Zimbabwe's oldest asbestos mines, Shabanie mine, which started operations in 1916. Shabanie mine and Gaths (in Mashava) mine were once the world's sixth largest asbestos-producing entities with an annual output of more than 140,000 tonnes. At their peak the two mines employed more than 5,000 workers and supported at least 200 support industries. According to one of the local chiefs the mines did not employ many people from the surrounding villages but used migrant labour mainly from Malawi. So for many of the rural communities in the area farming was the main source of livelihood.

After the ban of asbestos in Europe in the 1990s there was a sharp decline in the revenue being generated by the mine. This was the beginning of the demise of the flourishing town of

Zvishavane. This was followed by a protracted ownership wrangle between the government and businessman Mutumwa Mawere that culminated in the closure of the mine. More than 6,000 workers and 200,000 people who depended on the mine were left desperate.

The town was also affected by the scaling down of operations by the Zimbabwe Mining and Smelting Company (Zimasco). The company had been mining chrome in the Mapanzure area but due to viability challenges had to scale down operations and offered contracts to tributaries to mine their claims. The town was now on the verge of becoming a ghost town. For several years the town was in limbo until the advent of Implants at Mimosa mine in Mhondongori and Rio Tinto in Murowa.

The fortunes of the town improved greatly in the new millennium when platinum production increased at Mimosa mine and huge deposits of diamonds in Murowa. Some of the workers who had been retrenched by Shabanie mine managed to secure employment at Mimosa mine. Some people who had been reliant on the mine also started to engage in small scale mining in some of the abandoned mines and on the river banks. In recent years there has been an increase in the number of small-scale miners in the Zvishavane area. The main attraction in the area is the shallow depth of the ore. The government has encouraged small scale miners to register their activities. A large number of the miners now have registered claims. However, there is no comprehensive information on the number of small-scale and artisanal miners that are operating in Zvishavane since some of them are not registered. One of the small scale gold miners noted that at one time they were making as much as \$2,000 a week.

Zvishavane has slowly regained its lustre and now many of the major banks and retail outlets have opened in the town to serve the growing number of consumers in the area. Many irrigation schemes have been started their produce are being sold to the townsfolk. However, mining comes with problematic consequences for female farmers who have had to bear the brunt of the negative impacts of mining. Nonetheless, in Zvishavane farming is difficult because the district falls in agricultural region IV and is prone to droughts and food insecurity. The 2013 Zimbabwe Vulnerability Assessment (ZimVac) report noted that at least 51% of the population in Zvishavane district is food insecure.

1.2 Significance of the study

Many studies have focused on how mining activities have affected local communities however very few studies have examined the impact of the extractive industry on the livelihood activities of rural women. Studies that have looked at women and mining have specifically focused on the participation of women in the sector and not how mining affects their livelihoods. This study will assess both the negative and positive impacts that mining has had on the livelihood activities of female farmers in Zvishavane district. The study goes further than the normal NGO advocacy rhetoric and explores the reality of women living in Zvishavane. The study is premised on the argument that mining is highly gendered and that men and women have varied experiences.

1.3 Research design

1.3.1 Aims of the study

The objectives of the research are:

- To evaluate the impact of mining activities on small scale farmers' livelihoods and the surrounding environment.
- To examine the gendered dimensions of the conflict over land use between farmers and miners.
- To investigate the extent to which men have benefitted from mining activities at the expense of women.
- To assess the effectiveness of legal, policy mechanisms and institutional frameworks in safeguarding the livelihoods of small scale farmers.

1.3.2 *Research assumptions and research questions*

Table 1: Showing the research assumptions and questions

RESEARCH ASSUMPTIONS	RESEARCH QUESTIONS
Mining activities have a negative impact on the livelihoods of small scale farmers and the surrounding environment.	Do mining activities have a negative impact on the livelihoods of small scale farmers and the surrounding environment?
Mining activities have worsened women's position in terms of access, control and ownership of land.	Do mining activities worsen women's position in access, control and ownership of land?
Men largely benefit from the extraction of minerals whilst women bear the brunt of the environmental degradation.	(i) Are men largely benefitting from the extraction of minerals? (ii) Are women bearing the larger burden of environmental degradation emanating from mining activities?
The current policy and legal framework does not provide adequate safeguards for small scale farmers.	Does the current policy and legal framework adequately safeguards for small scale farmers?
Mining activities are taking place in the absence of effective enforcement of laws and policies to control environmental degradation.	Is mining taking place in the absence of effective enforcement of laws and policies to control environmental degradation?

1.3.3 *Demarcation of the study*

The study will be limited to assessing the impact that mining has had on the livelihood activities of female farmers. These include activities carried out in the dry season such as collecting forest produce. During the study mining companies were not interviewed but their membership body, the Chamber of Mines was interviewed to gain an understanding of the mining sector from the business perspective. The study was limited to assessing the government departments and institutions in the Midlands province and Zvishavane district. No attempt was made to examine the various institutions at national level.

1.4 **Conclusion**

This chapter sought to give a brief overview of the research study. The livelihood dilemma that is faced by people in Zvishavane as they struggle to make a choice between farming and

mining provided the impetus behind the decision to conduct the study. The chapter also gave a brief summary of the questions I sought to answer while undertaking this study. The research contributes to the body of knowledge concerning the impact of mining activities on the livelihoods of female small holder farmers. It does so by examining the relationship between miners and farmers through legal and gender analysis. As will be shown in the analysis of the available literature the issue of the impact of mining of women's livelihood is very much uncharted territory.

CHAPTER 2

2.0 THE CONCEPTUAL FRAMEWORK; LAW AND LITERATURE REVIEW

2.1 UNDERSTANDING MINING: The activity of mining

Mining in its broadest sense can be described as encompassing the activities, occupations and industries concerned with the extraction of all forms of naturally occurring mineral substances from the earth (UNIFEM 1999). There are four main stages in mining and these are: prospecting, exploration, development and exploitation. Prospecting refers to the search for mineral ore deposits while exploration involves defining the extent and value of the minerals or ore. Both prospecting and exploration lead to negative environmental impacts. The prospecting phase includes preparation of access routes, opening up of trenches and pits, establishment of camps and related facilities and taking samples. All these processes require large portions of land to be cleared depriving farmers of large expanses of fertile land that can be used for farming.

Exploitation refers to the process of actually producing the ore using methods such as surface (open pits, open cast) or underground. Open cast mining refers to the recovery of materials from an open pit in the ground. Underground mining refers to the digging of tunnels and shafts into the earth to reach buried ore deposits. Open cast mining usually leaves large open pits on the surface because it involves removing surface vegetation, dirt, and, if necessary, layers of bedrock in order to reach buried ore deposits. On the other hand underground mining does not leave visible damage to the landscape. Generally mining companies are expected to fill the pits that they would have been used in order to preserve the environment. Mining companies usually submit environment management plans to authorities that would lay out plans on how they would mitigate the negative impact of mining on the surrounding environment.

Large mining companies in Zvishavane like Murowa and Zimasco use open cast mining whilst Mimosa uses underground mining. Many of the small scale miners and illegal miners use open cast mining as this does not require heavy machinery and is relatively cheaper though labour intensive. As noted before the level of environmental degradation is usually determined by the type of mining that is used in the area with open cast mining leaving a lot

of pits as in the case of Mapanzure. Murowa has been given as an example of responsible mining although the blasting they carry out causes cracks in the houses in the surrounding villages.

Alongside large scale mining, three forms of artisanal mining also occur. Artisanal extraction consists of one or more people diverting a water stream to a previously excavated small pit. The water flow is used to wash the gravel and a rug or sieve is placed at the end of the pit to capture the crude mineral particles. If financial resources are available, front-end loaders can be utilised to scrape off the vertical surface of the earth and deposit the gravel to washing platforms. In the case of chrome mining, dynamite is used to blast the earth and enable the miners to reach the ore.

2.2 THE STUDY OF MINING: Frameworks, theories and perspectives

2.2.1 *The Sustainable Livelihood Framework*

Discourse on the issue of livelihoods began in the mid-1980s. Many development agencies including the United Nations Development Programme (UNDP) have adopted the livelihoods model set to eradicate poverty in rural communities. In simple terms livelihood means gaining a living and consists of capabilities, assets and activities required for a means of living. According to Ellis (2000) livelihood means that which encompasses:

‘...the assets (natural, physical, human, social and financial capital), the activities and the access to these that together determine the living gained by an individual or household.’

A livelihood is said to be sustainable if it can cope with or recover from stress and shocks, maintain or enhance its capabilities and assets and provide sustainable livelihood for the next generation (Chambers and Conway, 1992).

2.2.2 *‘Is there a curse to easy riches?’: The Resource Curse Theory*

The resource curse theory describes a situation where there is a negative relationship between natural resource abundance and development. The term was coined by Richard Auty in 1993 to describe how countries rich in natural resources were unable to use their wealth to boost their economies and how, counter-intuitively these countries had lower economic growth than countries without an abundance of natural resources (Auty, 1993). Jeffrey Sachs and Andrew

Warner (1995) found that a ‘surprising feature of modern economic growth is that economies with abundant natural resources have tended to grow slower than economies without substantial natural resources’. Mailey (2015) also concluded that ‘for the vast majority of resource-rich African states, oil and mineral wealth has not translated into improved living conditions for citizens but contributed to growing disparity, corruption, and repression.’

The resource curse theory refers to the link between abundance of resources and poverty in many resource rich countries. However, analyses of the resource curse rarely mentions gender. This masks the gendered aspects of the harm that results from the natural resource trade. First, there is a high correlation between dependence on natural resource exports and gender inequality. Second, the commonly recognized resource curses - of authoritarianism, civil war, and economic mismanagement result in gender specific forms of harm (Wisor, 2013).

This ironical situation is clearly illustrated by the Zvishavane situation as explained by Saunders. It appears that despite the huge mineral deposits in the district the local population especially women have not gained much from the mineral wealth. Women do not play an active role in the extraction and marketing of minerals. Most of the mineral extraction in the district is done by foreigners (Rio Tinto in Murowa, Implats in Mhondongori and the Chinese in Mapanzure) despite the government’s indigenisation policy. It is very difficult for communities in Zvishavane especially women to benefit from the mineral resources of the district as there is no opportunity for a trickledown effect. In order to access benefits from the mineral wealth of their district, residents in Zvishavane risk their lives in illegal mining activities whilst some are in unfair tributary contracts with large scale chrome claim holders. In most cases it is people from outside the district that benefit.

2.2.3 ‘Mothering Nature’: Feminist Perspectives on the Environment

A vision in which nature is held in esteem as mother and goddess is a source of empowerment and inspiration for many ecofeminists (Merchant 1990).

One the most interesting phenomenon in feminist jurisprudence is how the green movement and the women’s movement interfaced and gave birth to ecological feminism. The merging of the two movements gave true meaning to the old adage ‘mother nature’. The discourse concerning the status of women in society began as early back as Ancient Greece when Plato

and Aristotle sought to analyse the role of women in society particularly in the public sphere (Barnett, 1998). However it was only in the Nineteenth and early Twentieth Centuries that women in the West began campaigns against discriminatory laws that prevented women from participating in the public sphere. For many years feminist scholars like Simone de Beauvoir were focused on the struggle for equality for women in the family, work place and in politics. Linkages between ecology and feminism were not explored even during the liberating 1960s. It was only in 1974 that feminist scholar Francoise d'Eaubonne wrote about the linkage and coined the term ecofeminism.

According to Mellor (1997) ecofeminism is a movement that sees a connection between the exploitation and the degradation of the environment and the subordination and oppression of women. Ecofeminism emerged in the mid-1970s alongside second-wave feminism and the green movement. Ecofeminism brings together elements of the feminist and green movements, while at the same time offering a challenge to both. It takes from the green movement a concern about the impact of human activities on the non-human world and from feminism the view of humanity as gendered in ways that subordinate, exploit and oppress women (Mellor, 1997).

The major feminist schools of thought have all made significant contributions to the development of ecofeminism. Liberal feminists view the law as the solution to improving the relationship between humans and nature. To radical ecofeminists, environmental problems that mirror the oppression that women faced can be explained as the result of patriarchy. Socialist ecofeminists view the degradation of the environment as a result of capitalist patriarchy where the domination of women and nature is inherent in the market economy's use of both as resources (Merchant, 1990).

Vandana Shiva explains ecofeminism using the development framework. She argues that West's conceptualisation of development is premised on patriarchal values that include the exploitation or exclusion of women and the exploitation and destruction of the environment. She further argues that development projects like mining have destroyed women's productivity by removing natural resources from their management and control as well as ecological destruction of environmental resources. She draws parallels between violence against women and violence against nature which is symbolised by ecological destruction. In the patriarchal development paradigm, nature and women are transformed into passive

objects to be used and exploited by men. She concludes by noting that what patriarchy views as productive work is at the ecological level highly destructive. In the context of Zvishavane, mining is viewed as the most productive sector and agriculture as less productive. In a full council meeting I attended in October 2015 the Rural District Council (RDC) noted that the mining companies had paid more than US\$500,000 in royalties to council whilst farmers had managed to pay a paltry US\$11,000. Although mining is destructive of the environment it is still hailed as better than agriculture because of the revenue that it brings.

The words of Juliet Scorfield Russell in her paper entitled, 'The Evolution of an Ecofeminist', present an apt conclusion to this section. She adopts the radical ecofeminist stance of celebrating the biology of women's bodies and their reproductive roles in nature. She says:

'...start becoming aware of ourselves as an integral part of the body of humanity...a child of Mother Earth still cradled in her womb with all our brothers and sisters of the plant and animal kingdoms... Mothering Earth in our everyday life will become a personal imperative.'

As radical ecofeminists point out, women's biology and nature should be celebrated as sources of female power. It follows therefore that their work in the management of environmental resources be valued and recognised.

2.2.4 International Human Rights Framework

The struggle for women's rights and the quest for sustainable environmental management developed on parallel tracks and it was only in the mid 1980s that international discourse on women, environment and sustainable development began to gather momentum. Several key international and regional human instruments were developed during the period 1985 to 2005. These include the Nairobi Forward Looking Strategies (NFLS) in 1985, Agenda 21 in 1992, the 1992 Convention on Biological Diversity, the Beijing Platform for Action in 1995 and the Maputo protocol in 2005.

Equality in access to environmental resources and participation in their governance is critical for women's emancipation. Women are also viewed as key allies in sustainable environmental management and feminists like Vandana Shiva have argued that women have a close relationship to nature and therefore there is a close link between women, the

environment and development. The NFLS (paragraph 200), the Beijing Platform for Action (paragraph 249) and the Maputo Protocol prioritise the need to upscale the participation of women in environmental decision making as a strategy in the overall improvement of the position of women in society.

Various international instruments emphasise the role that women play in environmental management. The role played by women in the management of biological resources is recognised in the Convention on Biological Diversity. The Convention calls for the facilitation of women in the participation of critical roles in environmental resources.¹ Principle 20 of the Rio Declaration states:

‘Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.’

Calls for interventions to ensure full and effective participation are premised on the fact that women have been excluded from management of resources and that such exclusion has a negative impact not only on women but on society and environmental resources. In Zimbabwe’s rural communities traditional leaders are tasked with the responsibility of managing natural resources. This excludes many women because they are not traditional leaders.

The NFLS acknowledge the negative impact of environmental degradation on women’s traditional livelihood activities. Paragraph 224 states:

‘Deprivation of the traditional means of livelihood is most often the result of environmental degradation resulting from...inappropriate land use...most seriously affected are women...these women need options for alternative means of livelihood. Women must have the same opportunity as men to participate in...irrigation and tree planting.’

The section does not only address the impact of environmental degradation on the livelihood activities of women but also requires environmental impact assessment of policies, programmes and projects on women’s health and activities. The Beijing Platform for Action acknowledges that women’s empowerment is being sought against a background of resource

¹ Articles 8(j) and 10(c).

depletion, natural resource degradation and pollution of the environment by dangerous substances. These conditions are displacing communities especially women from productive activities.²

The importance of agriculture to women and society is also recognised in international human rights instruments. Women are key players in the attainment of sustainable development. The 2002 World Summit on Sustainable Development (WSSD) Plan of Action states that women should be provided with access to agricultural resources and that land tenure arrangements should recognise and protect indigenous and common property resource management systems (Kameri-Mbote, 2009). The Maputo Protocol also recognises the rights of women to land and environmental resources. Article 19 on sustainable development urges State parties to promote women's access to and control over productive resources such as land to guarantee the right to property. Securing land rights is important in Africa where the livelihoods of many women are largely dependent on land. Secure rights to land and other resources underpins secure livelihoods and shelter by reducing vulnerabilities to shocks, guaranteeing a level of self provisioning and supplementary incomes from basic food stuffs and enabling easier access to environmental resources by all people including women is therefore critical to ensuring economic growth which is environmentally sustainable (Kameri-Mbote, 2009).

2.3 THE LEGAL CONTEXT OF MINING AND AGRICULTURE IN ZIMBABWE

Zimbabwe's economy although diversified was largely premised on the agricultural sector until recent years. The land redistribution process saw the agricultural sector shrinking significantly and the mining sector has become the largest exporter in the country. Despite the decline of production on the farms, agriculture remains important to the country as it provides a livelihood for approximately 70 percent of the population the majority of which are women. (Mutondi, 2011)

Access to livelihood resources is essential to improving the status of women in society. Women's livelihood activities in rural Zimbabwe centre around crop production, livestock rearing, craft making and vending. Access to land enables women to effectively carry out

² Paragraph 246.

their livelihood activities. The security of women's entitlement to land and other natural resources has been negatively affected by unfavourable laws and government policies, socio-economic change towards commoditization of land and land based resources and exclusionary practices defended as 'customary law' (Whitehead & Tsikata, 2003).

This section will focus on unpacking the legislation governing the two sectors of mining and farming. The section will also analyse the various government ministries and agencies tasked with the implementation of the legislation.

2.3.1 Constitutional Rights

The Constitution of Zimbabwe Amendment No. 20 of 2013 has provisions relating to environmental rights. They are covered by section 73. It provides that every person has the right to an environment that is not harmful to their health and well-being. This means that mining activities that have negative environmental impact are in contravention of the Constitution. The Constitution also provides for rights to other natural resources like water and food (section 77). Agricultural production is vital to realising the right to food.

Section 64 of the Constitution mandates the state to ensure that everyone enjoys the freedom of profession, trade or occupation. This means that the rights of both farmers and miners are protected by the Constitution. The Constitution has 97 gender provisions which embrace important founding values and principles that recognize gender equality and specific rights of women. Therefore the legislature should take into account the livelihood needs of women when crafting mining and agricultural policy.

It is important to analyse the rights related to land when explaining the legal context governing mining and agriculture in Zimbabwe. Every person in Zimbabwe has the right to own property. The term property is defined as property of any description and any right or interest in property. This means that land is a form of property. Property rights in relation to land are however enjoyed subject to the provisions of section 72 of the Constitution which provides for the rights to agricultural land. This section states that the State may compulsorily acquire agricultural land for public purposes including settlement for agricultural or other purposes.

Mining activities in Zimbabwe are mainly carried out in communal areas. Land in communal areas is governed by the Communal Lands Act [Chapter 20:04]. This Act provides for collective tenure arrangements. Section 4 of the Act vests all communal land in the President and occupation is in accordance to the Act. Residents in communal areas only have the right to use the land but have no ownership rights over the land as it is state land. Rural District Councils (RDCs) which are established by the Rural District Councils Act are responsible for the administration of the land. The Act provides that in the allocation of land the RDC should have regard to the customary law relating to allocation, occupation and use of such land. This provision mandates RDCs to consult and cooperate with traditional leaders in the allocation of land. Chiefs, according to section 5 of the Traditional Leaders Act have a duty to ensure that communal land is allocated in accordance to the Act and that proper occupation and use is observed. The Communal Lands Act outlines clear conditions for occupation and use of communal land. Section 8 of the Act provides that occupiers of communal land have the rights to only occupy and use communal land for agricultural and residential purposes with the consent of the Rural District Council. Section 12 provides guidelines to be followed in cases of compensation in the event of forced evictions, for instance, where minerals are discovered.

Freehold land is governed by the Deeds Registries Act which provides for the registration of ownership of land. Common law property rights also apply to freehold land and ownership is the highest title that a person can have over land. The owner can use, dispose, hypothecate or sell his property as he pleases. However the enjoyment of ownership rights is subject to provisions of other laws, for example, the Regional, Town and Country Planning Act. Land in resettlement areas is governed by the provisions of the Land Acquisition Act. This Act gives specific guidelines for the acquisition of land acquired for the purposes outlined in section 72 of the Constitution.

Section 2(f) of the Regional, Town and Country Planning Act gives the Ministry of Local Government the mandate to manage communal and freehold land tenure. The Ministry of Lands and Rural Resettlement is responsible for administering laws relating to the lease tenures in resettlement areas. The Ministry of Lands also has overall responsibility for the implementation of the Land Acquisition Act.

2.3.2 How Legal Provisions Infringe Land Tenure Rights

While the Constitution does guarantee the right to property, section 71 also permits compulsory acquisition of land. Section 72(2) of the Constitution provides that where agricultural land is required for a public purpose the land may be compulsorily acquired by the State. Section 3 of Land Acquisition Act provides for compulsory acquisition of land and is the enabling legislation for the constitutional provision.

Section 10(3)(d) of the Communal Lands Act provides that the Minister of Local Government may compulsorily evict people from communal land that would have been set aside for other purposes. The only people exempt from compulsory acquisition are those who hold mining rights to the land. This provision shows that mining rights take precedence over other uses of land. Section 26 of the Mines and Minerals Act lists the type of land open to mining activities which includes private and communal lands. The Mines and Minerals Act trumps all these laws to the extent that once minerals are discovered and prospecting or mining rights granted, there is little by way of the law to stop mining activities.

Land occupiers and owners do not own sub-soil rights, these are governed by the Mines and Minerals Act. Section 2 of the Act vests all minerals in the President. Even in the case of land held under freehold land tenure, owners enjoy have surface rights; sub-soil rights are vested in the state. Section 7 of the Communal Lands Act gives guidelines concerning the uses of communal land as outlined in section 2 and these include the erection of buildings, ploughing, pasturing of animals, hoeing, etc. So even if minerals are discovered on their land, farmers need to acquire an additional permit to enable them to exploit the resource.

Section 5 of the Traditional Leaders Act lays down the powers of traditional leaders. The section gives chiefs control over natural resources such as land, wildlife, forests and water but not minerals. Customary law is excluded from the governance of mineral resources. This means that the customary rights that some people may have over land can be eroded if minerals are discovered. Chiefs can also control the allocation of land although their powers are limited by section 26 of the Traditional Leaders Act which states that no land shall be allocated in terms of the Act except with the approval of the appropriate rural district council (RDC), which shall be the administrative authority with overall control over the use and allocation of all Communal Land.

Section 38(2) of the Mines and Minerals Act states that persons holding prospecting licenses or special grants to carry out prospecting operations are required to give notice before performing actual mining operations. In the case of communal areas, notice is given to the RDC which in turn informs the farmers. Section 188(2) of the Mines and Minerals Act provides for compensation in instances where communities are moved to make way for mining activities. In the case of communal farmers compensation is given to the local authority according to section 188(7) since they hold the land on behalf of the state. The Mines and Minerals Act is silent on the issue of compensation on improvements made on the land other than land rights.

2.3.3 Sustainable Environmental Management

There are various statutes and policies that deal with environmental management in Zimbabwe. These include the National Environmental Policy, the Environmental Management Act and the Water Act.

2.3.3.1 The National Environmental Policy

The main object of the policy is to maintain environmental integrity. In the policy, mining is noted as an environmental activity that requires mandatory environmental impact assessments. Small scale mining is also recognized in the policy and it recommends the government in partnership with the mining industry address the environmental impacts of small scale miners. However the policy is silent on gender equality issues despite the fact that women's livelihoods are largely dependent on the environment.

2.3.3.2 The Environmental Management Act

The Environmental Management Act co-ordinates all environment related activities including mining. This Act was promulgated in 2002 and it repealed the Natural Resources Act. The Act is a consolidation of the National Environmental Policy and the National Environmental Impact Assessment Policy. The crafting of the Act was guided by the need to fulfil every Zimbabwean citizen's rights which are as follows:

- The right to live in a clean environment which is not harmful to people's health.
- The right to access environmental information.

- The right to protection of the environment for the benefit of present and future generations.
- The right to participate in the implementation of legislation and policies that prevent pollution, environmental degradation and sustainable management and use of natural resources while promoting justifiable economic and social development.

The Act not only recognizes environmental rights as human rights but also includes principles of environmental governance. Section 4(c)(ii) of the Act provides that everyone has the right to participate in sustainable use of environmental resources. The Act also promotes community participation in environmental governance.

Section 97 acknowledges that the extraction of resources causes environmental degradation and therefore Environmental Impact Assessments (EIAs) are required to be carried out before commencing any mining activities. The EIA is defined as a formal process used to predict the environmental consequences (positive or negative) of a plan, policy, programme, or project prior to the decision to move forward with the proposed action. An impact assessment may propose measures to adjust impacts to acceptable levels or to investigate new technological solutions. It is a process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.

The Act makes provisions for community participation in Environmental Impact Assessments (EIAs). Generally the Act provides environmental rights and principles which encourage the participation of all Zimbabweans in sustainable development including the mining sector.

Section 116 of the Act is an attempt to fulfil the obligations of the State contained in the 1992 Convention on Biological Diversity. The section provides for the conservation of biological diversity. The section also protects property rights of local communities in biodiversity. It is important to note that the livelihoods of communal dwellers rely on the environment hence the need for conservation of biological diversity.

However, the Act does not give a definition of community and does not provide clear guidelines on how women can participate in EIAs. The Act does not offer incentives for environmental protection. Finally the Act makes river bed gold panning illegal and provides regulations banning Rural District Councils from issuing mining permits. Many women's co-operatives according to the local councillor were benefiting from river bed gold panning. The Act introduces stringent environmental requirements for small scale mining making it difficult for women to legally participate in the sector.

2.4 Conclusion

Mining and farming are the most common economic activities in Zvishavane. However the two activities are incompatible because of the negative impact that mining has on the environment. Zvishavane is endowed with vast mineral deposits but this wealth has failed to translate into meaningful development for women in the district. Mining has had a negative impact on the livelihood activities of farmers. The situation is worse for women because their economic productivity is dependent on the environment. Women's close relationship with nature has been explored by ecofeminists like Vandana Shiva and Carolyn Merchant. These feminists view women as the managers of the environment. The international community has made attempts to aid the emancipation of women in the area of sustainable development and environmental management. Local legislation has been weighed down by archaic colonial laws that are gender neutral. The law has failed to work for women in this case. The next section will discuss the methodology I used in my mission to contribute to the body of knowledge analysed in this chapter.

CHAPTER 3

3.0 ‘A SHOT IN THE DARK’: RESEARCH METHODOLOGY

3.1 METHODOLOGICAL FRAMEWORK

The reason why I chose Women, Land and Environmental Resources as one of my optional courses when I studied for my Masters degree in Women’s Laws at the Southern and Eastern African Regional Centre for Women’s Law (SEARCWL) at University of Zimbabwe was because of my interest in the mining sector in Zimbabwe. It was only natural that I should do further study on mining and how it is impacting the livelihood activities of women. Throughout the five weeks of my course I patiently waited for the time when we would start discussions on the aspects of women and mining. However, in course work the topic was never discussed. This dampened my spirit, but all hope was not lost as in the final week of the course we visited the Zimbabwe Environmental Lawyers Association (ZELA). During the visit to ZELA I got an opportunity to have intensive discussions on sustainable environmental management, the impact of mining and the importance of community participation in natural resource governance. However, the organisation noted that the major gap in their organisational work was gender analysis. At that moment I realised that carrying out a research study on women and mining was going to be a difficult shot in the dark.

3.2 The grounded theory approach: a product of experience

The assumptions I came up with during my research design were drawn from my experience in an intervention of the conflict between miners and farmers in Zvishavane and newspaper reports. During the data collection stage I constantly reviewed my data to assess whether my assumptions were holding up. As pointed out by Bentzon *et al.* (1998) when the grounded theory approach is used, there is continuous dialogue and interaction, as the research proceeds, between the initial theory and the empirical data collected. From the first interview I had in the field my assumptions were challenged. I had assumed that mining had a negative effect of the livelihoods of farmers, however I soon learned that the town of Zvishavane developed as a result of mining activities and that the area was arid making it mostly unsuitable for large scale commercial agricultural activities. The advantage of the grounded theory approach is that it allows for constant review of the research assumptions as you come into contact with reality. So I reviewed my assumptions and also began assessing how mining was having a positive impact on the livelihood activities of farmers in Zvishavane.

Table 2: Showing the adjusted research assumptions

Research assumptions	Impact of Findings on Assumptions	Adjusted Assumptions
Mining activities have a negative impact on the livelihoods of small scale farmers and the surrounding environment	From the first interview I noted that mining had improved the status of the town. Although mining had a negative impact on farming activities it also offered diversified livelihoods for farmers in the area as it was dry and only ideal for growing small grains that are drought resistant	Mining activities have a negative impact on small scale agriculture and the surrounding environment. Mining activities have provided alternative livelihood activities for female small scale farmers
Mining activities have worsened women’s position in terms of access, control and ownership of land.	Both men and women were affected in the same way with regards to access to land when minerals were discovered. Further there are many factors that have an impact on women’s access to land which means that it is difficult to attribute it to mining activities only. However men have greater power in determining whether to mine or to farm on their land	Mining activities are encroaching into land that women have traditionally used for agricultural purposes

3.2.1 The women’s law approach

The mining sector is a very male environment and very few women have had success in the sector. Many of the studies on the environmental impact of mining have not assessed the varied experiences of women and men. As pointed out by Ali (2007):

‘Neutral and non gendered environments can and do ignore the needs of women and end up being oppressive to them.’

In this study I decided to take women as the starting point. My interview guide had a section that sought to solicit responses on women’s experiences. The most notable aspect during the research was the inconsistent definition of gender that I got from different stakeholders. It lead me to believe that people had no clear definition of gender and this had an impact on

how they viewed gender equality, measures they put in place to address gender inequality and the effectiveness of the measures. Misconceptions about gender equality have often led to policies that do not address gender inequality but have led to the reinforcement of gender stereotypes that already exist in the community.

I deliberately chose more women than men in the focus group discussions (FGDs) as most of my key informants were male. As the field of mining is very technical my key informants held specialist positions in the sector and other related fields. As is the norm there were very few women in the mining sector and in key leadership positions in government. So in my FGDs I felt it was important to collect women's personal experiences in regards to the impact of mining on agricultural activities. Listening repeatedly to the same experiences of women helps create an opinion that female farmers are affected in a unique way by mining activities. This is what Stang Dahl (1987) described as 'critical awareness' and as she further argues it is through awareness and understanding of these negative experiences that conditions are created to counteract them.

The women's law approach was valuable in evaluating the adequacy of the law on natural resources in safeguarding the livelihoods of female small holder farmers. In my analysis of the law I went beyond just examining the procedural and substantive gaps by exploring the impact of gender neutral laws on women's quest for equality in all spheres of life. As Stang Dahl points out:

'As long as we live in a society where men and women have different paths in life, different living conditions with different needs and opportunities, legal rules will necessarily affect men and women differently.'

So it is also important to analyse how the law views women and how the law speaks to women's reality and needs even when the law appears to be gender neutral.

3.2.2 *Influence of Actors on Structures*

Strategic human action may be directed at maintaining or changing structures or finding ways to exploit opportunities, social, administrative, legal structures (Bentzon *et al.*, 1998).

The research topic's focus was around highly structural issues therefore it is important to evaluate how various structures have been influenced by actors in the mining, agricultural

and regulatory sectors. One of my major assumptions was that the institutions tasked with enforcement of laws were not effectively delivering on their mandate so it was necessary to examine how different actors within the regulatory institutions influenced the structure. In my examination of the law I also needed to examine how the law was influenced by the structure particularly mining law inherited from the colonial era, environment laws passed during the ‘green revolution’, as well as laws passed during the land reform process.

In regard to livelihoods it is important to examine the role of institutions in the development of livelihood activities. Institutions both formal and informal assist in the attainment of sustainable livelihoods since they provide the infrastructure and the means to support livelihood activities. For instance in Mhondongori, Mimosa Mine as an institution has provided the community with infrastructure for irrigation thereby supporting the livelihood activities of the farmers.

3.3 The Gender Timeline

In my field data collection I adapted some of the methods that I used in my work. I have been working in the peace-building sector for the past seven years and one of the most effective conflict analysis tools we use is the Timeline. The Timeline is a graphic that shows events plotted against time. It lists dates and depicts events in chronological order. In conflict management the aim of using the timeline is not to try to arrive at a correct or objective history but to understand the perceptions of people involved. It also provides an opportunity for people to learn about each other’s perception of a situation.

Initially I used the timeline to collect background information on the community so at that stage I called it the community timeline. When I began doing the community timeline with FGD participants in Mhondongori, there seemed to be disagreements on the sequence of events and women were not participating in the discussion. I resolved to have men and women do their own separate timelines. However, because of time constraints I was unable to carry out this activity on that particular visit. After discussions with my supervisor, I decided to go back and use the tool again. This time I used the tool in Mapanzure and I asked men and women to do different timelines, and this gave birth to what I call the Gender Timeline.

The timeline tool assisted in determining what events were important to the women and men. In their timeline men tended to focus more on broad issues whilst women broke down the major events into daily realities. For instance men noted that J.R. Goddard brought in their excavators and began digging pits; women on the other hand would describe the event as the digging up of grazing land. Men tended to focus on details of who did what whilst women's focus was on the impact of the event on their day to day lives. As an average researcher you tend to favour the men's narrative because it is more precise and technical whilst the women's timeline would be dismissed as being trivial. However my observations were reminiscent of Stang Dahl's argument that:

‘The two sexes simply have different lives, experiences different things and of course have different perceptions of the reality surrounding them, of what is conspicuous and important or what is obscure and marginal.’

Stang Dahl's argument is clearly illustrated through the use of the gender timeline as men and women draw up different timelines for one community. This is an effective method for demonstrating how women and men have different perceptions and opinions about the same reality.

I believe that the gender timeline is an effective tool and it helped in structuring the narratives of women when they told me their stories. It also helped me to distinguish what women valued and what needed to be done to improve their position in the community.

Table 3: Showing a sample of the gender timelines drawn up by men and women in the community

Event	Year	Men	Women
Settlement of Community to the area from surrounding communal areas	1991	We were resettled in this area	Moved from communal areas to come into this resettlement area
-	1992	Chrome mining in the area by Zimasco (Community members agreed that when they came Zimasco was already mining chrome in the area)	Crop failure due to drought

Event	Year	Men	Women
Zimasco acquires Mimosa Mine from Union Carbonite	1993	Conflict between miners and farmers began when Zimasco began prospecting in the area.	-
Zimasco pilots platinum mining at Mimosa Mine	1994-8	Mining at Mimosa Mine happening but none of the community members not employed in the mine as they were still engaged in farming.	Boom in agriculture as there are bumper harvests in 1994 and 1995
Fast Track Land reform. Some farmers settled on land that was already subject to mining claims	2000	More people with the assistance of war veterans like Cde Makombe move into the farms from the communal areas through the fast track land reform.	Resettlement of many people into farms around this area and there is pressure on water and theft of small livestock.
South African Platinum company Implats and Aquarius buy Mimosa from Zimasco Increase in the small scale artisanal miners	2001-2002	In 2002 some farmers discovered gold in their farms and turned into miners and that was the beginning of the conflict as miners from outside the community also came with papers indicating that they also owned the mines on the resettlement area.	Miners started mining in grazing land and on farming land. Some people start mining in the Ngezi River.
Government opens up the export of raw chrome ore.	2009	JR Goddard begins excavations in the area leaving open shafts after their mining activities	In Zvegona illegal miners mined in some people's homesteads making it difficult to farm and causing conflict. Traditional leaders encouraged illegal miners to close their mine shafts.

Event	Year	Men	Women
<p>Mimosa-Zvishavane Community Share Ownership Trust is launched</p> <p>A small Chinese company holding a prospecting licence begins prospecting in Mhondongori</p>	2012	<p>Mimosa created a Community Committee and starts being co-operating with the community but has not stopped polluting. ZELA came and educated the community with a view of empowering the community with knowledge and help in resolving the conflicts with mining companies.</p> <p>Chinese miners begin digging up trenches in the fields and grazing leaving pegs on our land.</p>	<p>Some community members are elected into the Community Committee that will work with Mimosa Mine in development projects.</p> <p>Chinese miners start using a lot of grazing land as their mine dumps.</p>
<p>Harmonised Elections in Zimbabwe</p> <p>Accident in Mapanzure where an eight year old girl falls into mining pit</p> <p>2013 Alluvial mining in Ngezi River stopped by Council and the Community.</p>	2013	<p>Local MP is appointed deputy Minister of Mines and Mining Development</p> <p>A young child dies after falling into a disused mining shaft</p> <p>Community members chase away Chinese miners. The matter is reported to the Chief who refers the matter to CID Minerals. Some villagers who had resisted the Chinese are arrested and spend the night in prison in Zvishavane</p>	<p>A nine year old girl who was herding cattle fatally falls into a pit left by the miners</p> <p>Chinese miners were chased by community members after trying to engage in mining, this happened soon after a child had fallen into one of the pits and died.</p>

3.4 Semi Autonomous Social Fields (Culture and Politics)

An examination of areas that are outside the law is particularly important when you carry out studies on women's rights. As Bentzon *et al.*, (1998) point out:

'There are regulatory or normative systems other than the law that affect and control people's lives.'

This methodology assisted me in understanding role that culture and politics have in the interface between mining and agriculture. Mining and agricultural activities are closely tied to land contestations. In the Zimbabwean context land is subject to cultural and political influences that are outside the legal framework. In one of the group interviews I carried out, a Chief from one of the mining areas came uninvited after he had heard about meeting from other traditional leaders. He asserted:

‘Hamutaure nyaya yemining munyika mangu ini ndisipo.’

(Translation: ‘You cannot talk about mining activities occurring in my area in my absence.’)

Although the Constitution and the Traditional Leaders Act limit the powers of Chiefs in regard to mineral resources, in actual reality they wield immense power in the community. This power was also evident as the Chief kept using the phrase ‘*Nyika ndeyedu*’ (meaning, ‘The land is ours.’) From my understanding of the law, communal land belongs to the state and these statements pointed to the need to examine where the Chiefs were deriving that power and whether they could be allies in protecting the livelihoods of female small holder farmers. Bentzon *et al.*, (1998) state:

‘A study of norms that inform the individual’s sense of obligation and those which the actors’ base their claims for certain rights can be revealing.’

Although the study examined legal provisions on mining and farming, during the field and desk study data on political and cultural influence was also collected. This created a deeper understanding of the complexities that women encounter as they pursue sustainable livelihoods.

In the Focus Group Discussions in one of the areas some of the participants were wearing political party regalia. I realised during the discussions that the participants had been mobilised through political party structures. It appears that political parties play a key role in the mining and agricultural sectors. This made me appreciate the importance of semi autonomous social fields.

3.5 Organisation of the study

3.5.1 Research Site

The study was carried out in Zvishavane district in the Mapunzure (ward 9), Murowa (ward 18 also known as Mazvihwa) and Mhondongori (ward 5) areas. These fall under the administration of Runde Rural District Council. These study sites were selected because they present a mix of communal and resettlement areas. The research site falls within an area where platinum, diamonds and chrome mining is being carried out. At both sites small and large scale mining companies are represented. In Murowa there is extensive gold panning along the Runde River.

3.5.2 Sampling

Interviewees from government, the local authority and NGOs were selected using purposive sampling. Participants from the community were selected randomly, taking into account equitable geographic and gender representation. The targeted sample size was 60 people.

3.5.3 Data Collection Methods

Qualitative data was collected using interviews, focus group discussions, participant observation and documentary analysis. Relevant statistical data was also collected to validate findings and to demonstrate numerically the impact of mining on farming.

3.5.3.1 Key Informant Interviews

In-depth individual interviews were conducted with key informants who are mostly professionals in Government departments, local authorities and NGOs. The management of large scale mining companies like Zimasco, Mimoso and Murowa were not willing to be interviewed. The Chamber of Mines as the representative body of mining companies was interviewed to gain the views of large scale miners. Data from these informants was collected using an interview guide. Small scale miners were also interviewed through their various associations. Although no structured questionnaires were used, the interviewees were asked guided questions around the critical areas, pertinent to the research. This enabled interviewees to add their own suggestions and recommendations for a way forward. In some instances group interviews were conducted if the key informants are agreeable. In this case although the questions were put to the group, each person was asked to give an individual response based on their own experience. This method was mainly used with the Ministry of

Mines where junior staff felt more comfortable answering questions in the presence of their superiors.

3.5.3.2 Focus group discussions (FGDs)

FGDs were used to collect the views of community members. I had anticipated that I would conduct three FGDs of between 8 and 12 people in Murowa, Mhondongori and Mapanzure. In the FGD in Mhondongori 23 people attended. People who had been invited to the FGD also brought either a friend or their spouse. The three groups comprised of community leaders (traditional and political) and ordinary community members. FGDs are a good way to gather together people from similar backgrounds or experiences to discuss their views on the impact of mining on the livelihoods of female farmers. FGDs are also useful in providing an insight into different opinions among different parties involved in the conflict. Furthermore, mining is affecting farmers in different ways and the focus group discussion gave them the forum to have their say and compare notes on events in the area, while also facilitating the collection of valuable data for the study.

3.5.3.3 The Gender Timeline

The Timeline was used to get the background data on the area. In the FGD participants drew a timeline of events related to mining and agriculture that had occurred in the area. To gain an understanding of the gendered perceptions, participants were split into gender groups and drew another timeline. The timeline not only gave background details but also gave insights into how men and women viewed the same issues. The gender time line helped to structure the narratives of the issues when stakeholders told their stories and enumerated what each party had done, when and how.

3.5.3.4 Documentary Evidence

Documents including minutes of meetings, pictures, maps and charts as well as newspapers articles related to issues were analysed during the research study. Information gathered from the documents was used to triangulate data gathered from interviewees and FGD participants. The major challenge was the unavailability of current maps online and at the district offices.

3.5.3.5 Field Visits

The FDGs and key informant interviews were also complemented with some field visits to ascertain the level of damage to the environment and any land reclamation efforts that might

be happening in the area. Field inspections were carried out in Mhondongori and Mapanzure. Photographs of the various sites were taken when permission was granted.

3.6 Limitations of the Study

The major limitation to the study was the distance between Harare and Zvishavane. This made it difficult for me to collect as much extensive data as I wanted. The town is also relatively expensive to live in and accommodation costs an average of US\$60 a night. My challenges were also compounded by the fact that my contract at work was terminated before I completed my research and I lost some of the financial support I would have gained from the organisation.

The other challenge I encountered was my limited knowledge of the technical aspects of mining. Furthermore because I have never lived in Zvishavane I was unable to understand some of the local colloquial Shona. For instance they used the word '*bagabaga*' to refer to informal mining activities. My lack of understanding of the technical aspects of mining and the colloquial Shona spoken in the area may have led to my failure to detect some nuances.

However I was diligent in trying to understand the technical aspects of mining. I even asked the regional geologist to talk me through the mining process so that I could understand how mining affects women's livelihoods. Where possible I engaged the local councillors to explain some unfamiliar terms that I had heard during the field data collection process. On the whole, I believe that my study is a true reflection of how women in Zvishavane have been impacted by mining activities.

Table 4: Showing a summary of the data collection methods

Respondent	Key Informant Interviewees		Focus Group Discussions	
	Women	Men	Women	Men
Murowa Community (Murowa Diamonds)	0	0	4	7
Mhondongori Community (MIMOSA)	0	0	13	10
Mapanzure Community (Zimasco)	0	0	9	5
District Lands Officer	0	1	0	0
Executive Officer Environment and Agriculture (Runde Rural District Council)	1	0	0	0
EMA Zvishavane District Coordinator	1			
Chiefs (Mazvihwa, Hwedza and Mapanzure)	0	3	0	0
Ward Councillors	1	2		
Ministry of Mines (Mines and Explosives Inspector, Regional Geologist, Regional Mining Engineer)	0	3	0	0
Zimbabwe Environmental Lawyers Association	1	1	0	0
Chamber of Mines (Mineral Economist and Technical Adviser)	0	1	0	0
GRAND TOTAL	4	11	26	22

3.7 Conclusion

My research began as an ambitious project that I was not sure would succeed. The methodology used in the research was largely premised on the women's law and grounded theory approaches. The grounded theory approach helped in adjusting the research design to suit the situation on the ground. The data collection tools helped in generating valid data and

in the triangulation of the information gathered. The highlight of the study was adapting tools from other disciplines in the study, namely the gender timeline. The tool not only assisted in collecting data but also validated some of the assertions put forward by prominent feminist jurists like Stang Dahl.

CHAPTER 4

4.0 ‘BOOM OR GLOOM?’: THE RESEARCH FINDINGS

4.1 THE MAIN FINDINGS

Traditionally, the mining of asbestos in the Shabani-Mashaba Mine complex and farming in the surrounding communal areas were the main economic activities in the area. The opening of Mimosa platinum mine in July 2001 and Murowa Diamonds mine in 2004 boosted the economic status of the town and had an impact on the livelihood activities of the community. In recent years small scale mining and illegal gold panning along the river banks has emerged as the main source of livelihood for many of the constituency’s residents (Parliament of Zimbabwe 2011). One of the most notable impacts of these mining activities is environmental degradation in the district due to irresponsible mining activities by some of the mining companies and individuals.

The situation has been worsened by the existence of conflicts of interest between planning authorities who represent diverse interest groups. Recent development initiatives like the land reform process show that the major cause of conflict is unco-ordinated development resulting from ad hoc decisions by individual local authorities and various other government agencies responsible for authorising mining and farming.

It was also highlighted that there is generally a lack of co-ordination in the governing institutions, namely, the Ministry of Mines (who issue mining licences), the Environmental Management Agency (responsible for environmental impact assessments) and the local authority, Runde RDC. For instance the local authority complained of the difficulty of getting information from the Ministry of Mines on the miners that operated or intended to operate in the district. EMA on the other hand also mentioned that it is difficult to get environmental impact assessment reports from mining companies who had been licensed by the Ministry of Mines. It is in this myriad of challenges that female small scale farmers find themselves in.

This chapter presents the main findings of the study. It begins by demonstrating the impact that the mining industry has on the natural environment. The chapter will also assess what positive aspects mining has had on the livelihoods of women in Zvishavane. Legal policies

will also be analysed in this chapter as well as the institutions that implement the law. The chapter will end with an analysis of the regulatory framework on mining and farming.

4.1.1 Gloom! Environmental Impact of Mining and Effect on Women's Livelihood Activities

Although mining activities have changed the face of the town of Zvishavane, they have had a negative impact on the environment. During the discussions, community members were quick to point out the environmental impacts that have affected their livelihoods. The impacts that were viewed as important were those that are noticeable and those that had an immediate impact on their livelihoods. Most of the community members were not able to identify impacts that had delayed effects or those that required laboratory tests. The community members were more concerned with issues that were striking and immediate which were visible to everyone. The impacts of mining activities that were identified by the community members were as follows:

- Decrease in the soil fertility.
- Depletion and contamination of the water sources.
- Failure to fill mining pits and prospecting trenches.
- Air and sound pollution.
- Loss of biodiversity (with special emphasis on forests and grazing land).

The major impact noted in the area is environmental degradation especially in areas where open cast mining is being undertaken. For rural women environmental resources are important because all or most of their livelihood activities come from farming, fishing, craft making and collecting forest products.

As pointed out earlier mining activities in Zvishavane have had a negative impact on natural resources. Firstly mining affects the fertility of the soil. From the time when prospecting begins large areas are dug up. In the case of Mhondongori a Chinese firm dug up trenches in the fields and these have made farming difficult. Many big mining companies carry out land reclamation processes in which they fill the pits they have dug. However according to the regional geologist for Midlands even where land reclamation efforts are carried out, it is difficult to restore the fertility of the soil. During land reclamation the topsoil is usually

buried underneath the less fertile soil. In this case farmers have to use chemical fertilisers to restore the fertility of the soil. This is especially difficult for women who typically rely solely on indigenous knowledge of the land. So once the natural state of the soil is altered women are unable to effectively carry out agricultural production using the knowledge they have acquired through experience and this undermines their livelihoods.

Mining activities have a negative effect on women's access to land and water resources. During the focus group discussions participants noted that there are rising levels of pollution of water sources particularly in the in Mhondongori (ward 5) and ward 19. Furthermore mining activities cause depletion of water resources. Water is important for women because of their domestic roles and their livelihood activities. The major consequence of mining is the drawdown of ground water levels that leads to the drying up of wells. During the dry season wells are an important water source for both people and animals. In some areas like Mhondongori where the slime dams once burst and spilled mining waste into the water sources there was contamination of the water. The level of contamination was however not determined because this would require laboratory analysis. The local EMA office did not have the capacity to carry out such tests. Community members were however adamant that the water sources had been polluted and they risked lead poisoning by drinking from the water sources. Participants in the FGDs were knowledgeable about the impact of lead poisoning because some of them had attended a ZELA workshop where these issues were discussed.

As I have argued before access to land and water is vital to enabling women in rural areas to fulfil their livelihood needs. In regard to water, open cast mining has led to the depletion of the water table. In Mapanzure a pool called Dzivarasekwa that had been known to have water even the dry season has since dried up. According to the Chief, the water sources dried up when chrome mining began in the area. He noted that the 'sacred' pool had been desecrated because the mining company, Zimasco, did not seek permission from the ancestors before commencing mining operations. The regional geologist noted that a lot of water is lost during mining. Water is lost either through the diversion of water to mining pits so that it can be used in the collection of mineral ore or through its use to clean gravel to extract the mineral ore.

Mining claims in some areas are pegged close to social amenities like water sources. An example is the case of small scale chrome miners in Mhondongori who use dynamite close to

water sources making some boreholes inaccessible to women. Community members noted that the use of dynamite had made them reluctant to use the water source and they opted to travel longer distances in search for water. Women, because of their domestic and gender roles, carry the burden of looking for water. If water is not available from a source nearby it means women have to spend many productive hours looking for water for domestic purposes. This is time that could have spent carrying out livelihood activities.

The massive excavation of the area has affected land use and biodiversity in the area, particularly in Mapanzure. Firstly, mining companies opt to dump waste materials on land that is away from the site of interest and infrastructure. Secondly because of their mining methods, small scale miners are blamed for the bulk of environmental degradation. For instance in the focus group discussions an issue that was talked about at length was the issue of the clearing of land using fire before they prospect for minerals. Some of the participants in the focus group discussions felt that some of the loss of vegetation was through veld fires that were started in order to clear land before commencing mining activities.

Open cast mining leaves huge pits which, if not rehabilitated, can pose a danger not only to animals but also to human beings. Chrome mining uses open cast methods which require the removal of huge amounts of soil to extract the mineral. In Zvishavane particularly the areas Mapanzure and Mhondongori are severely affected by the open pits which were not filled and made safe after the cessation of mining operations (See, Figure 1). These pits are sometimes found where most of the communities' grazing areas and productive agricultural lands are situated. During the field visits in Mapanzure and Mhondongori I observed several pits and I saw a dead cow floating in one of the pits in Mhondongori (See, Figure 2).



Figure 1: Photograph of a huge open mine pit in the raining season which has not been filled after the cessation of mining operations.



Figure 2: Photograph of a dead cow floating in a flooded open mine pit in Mhondongori.

There are also allegations that small scale chrome miners have a tendency of passing mining permits to wealthy third parties like the Chinese who do not make any effort to fill open pits. These open pits have caused the death and injury of human beings and livestock. Some of the areas are riddled with pits that pose a danger to human and animal life. For example in 2013 a nine year old girl who was herding cattle lost her life in one of the pits. In both Mapanzure and Mhondongori community members in the focus group discussions complained about the open pits that were left in a dangerous condition by miners. During the focus group discussion in Mapanzure one participant noted:

‘Collecting firewood or herding cattle has become risky as people have to be very careful in these areas because of the risks of falling into these pits.’

Although the slopes of the mountains surrounding the Mapanzure areas are well wooded, they are now barren because of chrome mining which has taken place in the area.

4.1.1.1 Who is responsible for the rehabilitation of the pits?

Mining companies are obliged to close the pits on completion of their extraction operations. In a number of cases this does not happen, possibly because the economic situation has meant that mining is no longer as profitable and favourable as it was in the past. In recent years mining companies have been facing liquidity challenges. Resources for rehabilitation therefore are limited. Communities expect mining companies to close the pits after mining so that the land may continue to be fit for agricultural purposes.

There seems to be conflict over the responsibility for the rehabilitation of land between big mining companies like Zimasco and the tributaries they have contracted to mine on the company’s claims. It is not clear among the mining companies whom exactly are responsible for the rehabilitation in cases where there are subcontractors. Most of the chrome mining claims along the Great Dyke belong to big mining companies like Zimasco and ZimAlloys who then sub-contract tributaries to mine on their behalf. It therefore is not clear to either the communities or district leadership who is responsible for land rehabilitation. According to a representative of the Chamber of Mines, once a tributary contract is signed, it is the duty of the tributary to rehabilitate the land. In other words the claim holder cedes all his rights and responsibilities over the claim to the tributary. The district leadership was of the view that claim holders have the responsibility of rehabilitating the environment but are unjustly overburdening the contractors with this responsibility.

Most small scale artisanal miners are subcontracted as tributaries by the big mining companies like Zimasco and ZimAlloys. After mining they sell their output to their parent companies and therefore feel that it is not their responsibility to rehabilitate claims but that of the actual claim holders. Other reasons for leaving the pits open are that small scale artisanal miners also mine to a certain level which is shallow because of their lack of resources to go deeper. On account of equipment they use, small scale artisanal miners do not excavate beyond a depth of 20 metres. They do not close the pits because mining operations will still

continue at the hands of the large companies who have the huge machinery to do so. The period between the time the small scale miners cease operations and large scale mines take over is uncertain and many of the pit-related accidents have happened during this transitional period. Communities are concerned that if mining is going to continue at a particular point, these pits need to be protected by fencing.

Sometimes the mining pits are not rehabilitated because the parent company has changed hands several times. Some of these pits have been in existence for many years and the original claim holders may no longer be in existence. These are what are termed 'orphan pits'. According to the regional geologist it is the responsibility of the government through the Ministry of Mines and Mining Development to rehabilitate these pits so that they do not pose a danger to the community. Many of the orphan pits are caused by some unscrupulous practices by big mining companies who when they discover that the mineral reserves are low opt to sell the claim to small companies who have insufficient capacity to rehabilitate the pits and are unlikely to realise enough profits to carry out any meaningful land reclamation. When claims are transferred from one mining company to another without clear communication, conflicts arise. For example Zimasco is said to have ceded some of its claims to Unki mine. When community members have issues they want addressed, they are not clear on who to approach. District authorities are left in doubt also as it is not clear who to hold accountable for the rehabilitation of the pits.

4.1.1.2 Poor Road Networks

Accessibility to markets for farm produce is important for women engaged in farming and roads make the accessibility of markets easier. Only Mhondongori has reasonably good roads with the tarred road stretching from the Zvishavane-Bulawayo Road to the Mimosa Mine office (15km). Mining companies have ensured that the roads to their offices, staff compound and the ways which ore is transported are very good while in the villages there is no such facility. Although some of the roads are good, they become degraded as a result of their being used by their heavy mining vehicles and machinery. These roads are never repaired. In Mhondongori the damaged roads are replaced by dusty patches which only the heavy machinery can access and sometimes the roads are only repaired near where mining takes place at that particular time.

Roads in the mining areas are among the worst in the country, mainly due to chrome mining and heavy vehicles that usually use the roads. In areas like Murowa and Mapanzure there is no bus service because of the poor road networks in the area. This means that women are unable to access markets for their farm produce and have to sell it at depressed prices within the community.

4113 Noise and Air Pollution

Mine blasting operations has also led to houses around the area developing cracks and eventually collapsing. This is experienced mainly in Murowa and Mapanzure. Mining companies had promised to repair the homes but have failed to fulfil their promise. In Mhondongori community members complained that they are exposed to dust from the mines. Although Mimosa mine had installed some dust traps at its excavation sites, small scale miners do not have any strategies to mitigate air pollution. Some small scale miners often clear trees leaving the soil exposed; this has led to land degradation and the siltation of water bodies as well as depletion of farming and grazing land.

4.1.2 Boom! Diversified Livelihood Options for Women

Mining activities have not only taken away some of the livelihood activities that female small holder farmers were carrying out but have also required them to diversify their livelihoods. Although agriculture was their main source of income, erratic rains and the unavailability of irrigation facilities had driven women to search for alternative sources of income. Instead of seasonal farming, women have adopted different livelihood strategies like entering the wage labour market, vending and cross-border trading. In Mhondongori and Murowa it was noted that people from the area had been employed by the big mining companies either as casual labourers or has permanent employees. However, community members felt that the mining companies needed to do more in terms of contracting locals to provide services like cleaning, catering and landscaping. Employment opportunities for women however were reported to be low because of various reasons. Firstly, for casual labourers the mining companies only employ people who have managed to pass five subjects Ordinary Level. The majority of people in rural areas have not managed to pass their Ordinary Level, which means the situation is even worse for women. Secondly, women are denied employment because of gender stereotypes that perceive women as unsuitable for mine related work. Examples given include the mining work schedule which may disrupt women's gender roles, like child care, casual labourers recruited to work in the mines require physical strength that women do not

possess and in mining, hazardous chemicals are used and these may be dangerous for pregnant women to handle.

Finally in Murowa where men and women are employed using the lottery process, the women's husbands do not permit them to work for the mines. During the FGD with the community the men noted that they did not feel comfortable allowing their wives to spend the night at the mine with men who had not had access to their wives for two weeks. A local councillor said:

'If it is a genuine job why would they make wife spend the night in the mine whilst I am sleeping alone at home? They are sleeping with our wives at the mine whilst we are sleeping alone at home.'

The men argued that most of the women who were working at the mine were lured into illicit affairs with the mine employees and were promised permanent jobs in return. The men noted that the mining companies provided its employees with good food and average wages of about US\$300 per month and once their wives began earning money they became uncontrollable. One village head burst out saying:

'Munofunga kuti mukadzi wangu akajaira kudya sausage nemazai kumine achanoda kudya rudhe here?'

(Translation: 'Do you think my wife will return to me after she has tasted the good life at the mine? Do you think she will be able to eat our wild vegetables after she has tasted sausages?')

For small scale miners employment of women is taboo. According to the regional geologist for Zvishavane most of the small scale miners he interacts with are reluctant to employ women in their mines because women are regarded as impure and are associated with bad luck. The general belief is that if women come near a mine the mineral deposits will vanish. So although there are opportunities for women to enter the waged labour market gender stereotypes as well as cultural and patriarchal values prevent them from improving their incomes through employment.

Women in Zvishavane have managed to organise themselves into associations that apply for service contract at the mines. Women in Murowa have an association that was contracted by Murowa Diamonds to mend the mining company's uniforms. This has ensured that the

women get a steady income, however they would have preferred to be contracted to make the company uniforms. The women also noted that there were challenges in terms of payment. Sometimes, after receiving remuneration on their behalf from Murowa Diamonds, their leaders failed to pay the women promptly. In Mhondongori women in the area have also organised themselves but did not manage to secure a contract with Mimosa Mine. They remained hopeful that once they properly register their association they would be able to secure a contract with the company. In Mapanzure the women have not managed to organise themselves and this could be attributed to the fact the major companies mining in the area, Zimasco and ZimAlloys, do not have offices in the district so there is limited interaction between the themselves and the community.

However it is not all women in the community who have the opportunity to participate in these initiatives. In one of the FGDs one woman noted that it was only the elite women in the community who became members of these associations. She said:

'Izvi zvemaclub zvinoda vakadzi vane mari yacho yekujoina nekubhadhara pamwedzi. Isu vamwe hatina mari yekuenda kumaclub kana nhumbi dzacho dzakanaka. Kana zvamaNGO kunongoenda vakadzi ivavo nyangwe zvedomestic violence kana ZELA.'

(Translation: 'It only those women who can afford the joining fees and the subscriptions that join the associations. Some of us do not have the money to join these clubs. It is always the same women from the community who are chosen to take part even in workshops for domestic violence and ZELA. Some of us do not have the nice clothes or shoes to wear to these meetings.')

It is evident that women suffer not only gender discrimination but are also discriminated against because of their social class, not by men, but by other women. The woman who gave the above contribution had forced herself into the FGD. I had told her that we had reached the limit and she refused to leave saying that all NGOs always pick the same people from the community. It shows that there is a prevalence of multiple exclusion of women.

Informal trading is an industry where women are benefitting due to the significant growth in income and population and have managed to make inroads into the growing market. The population of Zvishavane rapidly increased with the opening of Mimosa Mine and Murowa Diamonds creating a new class of middle class professionals. Small scale mining has also given rise to increased disposable income amongst rural communities. Women have taken advantage of the demand for luxury goods to engage in cross border trading. At the business

centres at both Murowa and Mhondongori women have set up flea markets where they are selling their wares. One local councillor noted that the mines were also providing a market even for farm produce. He noted that those who were fortunate enough to have access to water were making a living out of market gardening. Some NGOs like Adventist Development and Relief Agency (ADRA) have taken advantage of the availability of markets to set up gardens for women in the area. This has greatly improved their livelihoods.

Women in Zvishavane were assessed as performing better economically than women in other rural districts. This came out of a profile report for Zvishavane-Ngezi constituency. The reported noted:

‘Zvishavane-Ngezi is an area with a low poverty incidence as shown by the Poverty assessment report of 2003. However, although most of the households are female headed, they rely on mining, rendering them with a better way of life as compared to most constituencies.’

Although women in Zvishavane have better lifestyles than other women in the province the livelihood activities that they are carrying out reinforce gender stereotype. Women’s livelihood activities identified in the research include, vending, catering and making clothes. These roles present an extension of women’s domestic roles.

4.1.3 Chrome or Crops? Land Use Dilemma

Some farmers engage in mining activities when they discover that there are minerals on their land especially when it is not the agricultural season. Despite that they do not possess prospecting or mining licenses. Farmers often believe that when they were allocated land they were also entrusted with what is underground on the same land. The District Lands Officer for Zvishavane noted that some of the farmers were now also mining on their plots. He said:

‘It is now not clear whether we have mining farmers or farming miners.’

He went on to note that it usually the men who engaged in mining on their plots. Sometimes the farmer who had been allocated the plot would also mine on his plot even if did not hold the mining claim thereby depriving the claim holder. The regional geologist highlighted that this was a common situation in resettlement areas. He noted that many pieces of land have ore deposits that are not viable for big companies to exploit because they are too small.

Mining by nature is the preserve of men so if land meant for agriculture is used for mining then women's livelihood initiatives are compromised. This also undermines household food security and destroys the ecosystem making the soil unproductive. The deposits are small and may require some machinery which the rural men do not own. So women will end up with a damaged field without accruing any benefit from the destruction.

Some mining claims are being pegged in fields thereby depriving women of fertile agricultural land. Some of the land allocated to people during the land reform process was also subject to mining claims. Since the beginning of the compulsory land acquisition exercise in 1990 people were resettled in areas that were already subject to Zimasco claims. As it did not appear to have been planned, the fast track land reform programme also had far reaching results on the competing land use rights between miners and farmers especially after the discovery of small deposits of gold in Zvishavane. When minerals were discovered in the area, the miners through the Ministry of Mines and Mining Development rushed into pegging and allocating claims without first consulting the District Lands Office. The miners only notified the RDC as they were not aware that it is the Ministry of Lands and Rural Resettlement which is responsible for land allocation in resettlement areas. As a result of this failure to follow the proper procedure, claims were allocated in areas where people had already been settled. And in some cases the very same farmers also wanted to mine on their own plots. Despite the land use challenges that were presented by the two sectors of farming and mining, government policy reflected the view that the economy would recover through both mining and farming being part of the country's productive sectors. However, because of the incompatibility of these two sectors, the policy is not yielding the results that were anticipated and this has left farmers with limited livelihood alternatives.

4.1.4 A Hope Deferred: Participation of Women in Mining

Women who want to venture into mining usually engage in gold panning activities along the Runde River. Although there are some women who own mines in Zvishavane they are not the local women. Chief Mapanzure pointed out:

‘Yes, we hear of women in mining in Zvishavane. But it is not the local women that own these mines. It is clever women like you from Harare who form groups and purport to represent women who are mining in Zvishavane. Local women are never represented in these groups that travel to China and other countries.’

For the majority of women in Zvishavane mining is not an alternative source of livelihood. They continue to grow crops and explore other ‘gender appropriate’ livelihood activities.

The mining industry is very complex and requires some understanding of engineering and socio-economic issues related to the sector. This explains why there are so few women in the sector. Some of the women who are taking part in the sector are operating under very difficult conditions, as one local Chief pointed out:

‘Women in chrome mining in Mapanzure area are in oppressive tributary contracts with Zimasco.’

Women have signed the tributary contracts that compel them to sell their ore to Zimasco at prices that are below their market value. Currently the women are not making marginal profits and some are struggling to break even.

4.1.5 Where is the Law? Legislation and Safeguarding of Livelihoods

The lack of security of tenure in communal areas is an impediment to the safeguarding of rural livelihoods. As pointed out earlier the Communal Land Acts vest all communal land in the President and communal dwellers have usufruct rights. The reality in the communal land areas is that their communities view them as their ancestral land which belongs to them. Chief Mapanzure noted that section 4 of the Communal Lands Act was an affront to the authority of chiefs. He stated:

‘Kana vachiti ivhu harisi redu saka hatingatonge nyaya dzemuganhu. MaMagistrate avo ne maJudge ngaiite izvozvo.’

(Translation: ‘If we as Chiefs do not own the land then we cannot mediate in land boundary conflicts. Let the Magistrates and Judges do that and see if they can succeed in doing that.’)

The sentiments expressed by Chiefs show how the land tenure system is not consistent with lived realities of the community. So apart from family and traditional practices that deny women land, women also have to deal with fact that the Communal Lands Act (that compromises the security of tenure of the land that they depend on for their livelihoods) makes communal land state land.

The provisions of the Mines and Minerals Act are also controversial and worsen women's access to sustainable livelihoods. The Mines and Minerals Act (section 26) lists communal land as land open for mining activities. Exploration of mineral resources supersedes usufruct rights that communal farmers have over land with minimum compensation. Once a mining claim is pegged all other acts cannot be considered. In Murowa 143 families had to be relocated to Mashava to pave the way for mining activities. The relocation was successful as the company used the asset-for-asset compensation model. This model entails that households make an inventory of the assets that they will lose if they are relocated and the mining company compensates them by either replacing the asset or offering financial compensation for the asset.

I did not interview the relocated families but those that remained behind noted that the relocations had disturbed their social fabric. They noted that some socio-economic ties were cut and women had to bear the burden of starting new homes, setting up new livelihood activities and child care environments. Furthermore there are things for which there can be no compensation if they are lost, for instance, valuable soil for agricultural purposes and the loss of indigenous knowledge on what agricultural methods work best (local women have knowledge of what type of crop is viable in their area, which pests to look out for, how to combat them, etc.) The Mines and Minerals Act is silent on the issue of compensation on improvements made on the land other than land rights.

During the FGD in Mhondongori one participant noted that he had refused the Chinese access to his field. He was reported to the police and arrested. He said after spending the night in prison he realised that he had no secure tenure over his land and that the exploration of minerals superseded all the other uses of land. Even when a person finds minerals on their land they are not permitted to exploit them without a mining licence because they are only permitted to use the land for agricultural or residential purposes. On the other hand, one participant in Mhondongori who identified himself as the local war veterans' leader stated:

‘This is my land that I fought for, what is on the ground and underground is all mine, I can do whatever I want with it.’

It is therefore obvious that there is limited knowledge on the provisions of the Mines and Minerals Act. The Act vests all minerals in the President regardless of the rights of the

occupant of the land over that piece of land. After explaining this provision to the participants, they were shocked that a piece of legislation like that existed. Supersession may be an acceptable feature of a legal system, however the supersession of sustainable land use such as agriculture by surface mining that is dependent upon a non-renewable resource is a questionable practice from an environmental point of view. It has further proved difficult to enforce land reclamation after mining operations have ceased as in the case of Mapanzure.

In areas where mining activities are carried out women even lose the customary rights and entitlements that they have over land. For example when the chiefs allocate communal fields for specific use by widows and orphans, even these fields are also subject to exploration and extraction of minerals. Women also acquire rights to land under customary law through their fiduciary relationships with men. According to section 188(7) of the Mines and Minerals Act, mining companies should compensate the Rural District Council as the owner of the land. Access to land that women have through their relationships with men is not taken into consideration when compensation is being made. In new resettlement areas married couples are given equal shares to the property that they occupy; however when mining activities are being carried out on a farm, negotiations are carried out with husbands and there are guarantees that compensation will be shared equally between the occupants.

Sometimes the efficacy of the law in safeguarding rural livelihoods is compromised by mining companies who flout some of their legal obligations. Mining companies have been accused of breaking the law and examples include their failure to make statutory payments to councils, failure to submit environmental management plans to the EMA and polluting the environment. In Zvishavane Runde RDC had to take Zimasco to court to force them to pay their statutory dues, i.e. royalties. The local authority is reliant on royalties from mining companies for most of its infrastructural development projects including road rehabilitation. The EMA is finding it difficult to fulfil its mandate to protect the environment as mining companies are opting to pay fines. The fines that the EMA charges the mining companies are not punitive enough in the light of the environmental damage that they cause. Many of the mining companies can afford to pay these relatively small fines as they have a budget for them; in other words, they consider that it is cheaper for them to illegally harm the environment than to operate ethically and legally within it and within the ambit of the law. The fines are especially hard on rural women who cause minimal environment damage by

using poor agricultural methods or cutting down trees. Although women do it to sustain their families and corporate mines do it for commercial purposes both are expected to pay fines.

Despite the law requiring mining projects to commence after carrying out an EIA and being awarded an EIA certificate, some miners are carrying out their operations without complying with the law and having a negative impact on the environment and people's human rights. Sometimes the EIAs are not properly conducted as the mining companies deal with the technical aspects of the project and fail to consult community members. In the Full Council Meeting I attended in October 2015 Environment and Agriculture reported that a new mining company had carried out EIAs and was due to begin operations in Mapanzure. One of the leaders in the area noted that he had not been aware of the EIA. The procedures for carrying out an EIA include public consultation but in some cases only a few individuals are consulted and this is undermining the right to participate especially of the women who are likely to be impacted by the project.

There several complaints about the Chinese who are regarded as 'untouchable' and are operating above the law. The Chinese have been accused of leaving open pits in Mapanzure and Mhondongori where they were carrying out mining activities. Small scale miners and illegal miners noted that if they were to comply with the law then their businesses would not be viable.

To ensure that all Zimbabweans benefit from natural resources the government enacted the Indigenisation and Economic Empowerment Act. It is through this Act that the Zvishavane Community Share Ownership Trust was established. The Indigenisation and Economic Empowerment Act through General Amendment Regulation, Statutory Instrument 16 of 2010 (SI 16/2010) provides for the option for businesses to cede 10 percent of its shares to Community Share Ownership Schemes. The Trust is chaired by the five local chiefs on rotation and the administrator is the Chief Executive Officer of Runde RDC. The leadership of the Trust is mainly composed of men; but the community representatives who were elected in different wards have never had any meeting. The regulations provide that the 10 percent donation by the mining companies shall be channelled towards developmental projects which include the building and maintenance of schools, educational institutions, educational scholarships, hospitals, clinics, constructing and maintaining dip tanks, construction and maintenance of roads and water works. The rationale is to improve the benefits of mining to a

community that bears the brunt of the impact of mining. Although the Trust had carried out significant projects like the construction of Murowa School and the rehabilitation of Mhondongori clinic some of the development aspirations of women have not been taken on board. The projects being carried out by the CSOT lean more towards welfare and do not contribute much towards improving the livelihoods of women. Women in Mhondongori noted that they would like the Trust and the mining companies to establish a vocational training centre in the area where they could acquire technical skills to enable them to be employed in the local mines or to have their own mines

4.1.5.1 Gaps in the legal framework

There are several gaps in the legal framework that increase the vulnerability of women's livelihood activities. Firstly the Mines and Minerals Act does not have any provision that compels mining companies to utilise the resource or lose their mining rights. The use-it-or-lose policy would free up much land over which mining companies have claims but are not using. This land could be used for farming purposes and improve the livelihoods of women. For example the claims that Zimasco holds in Mapanzure and Mhondongori date back as far as 1904 but not all of these claims are being used. Now that Zimasco has applied for judicial management and is in financial dire straits the land on which it operates could be used for other purposes or could be opened up to the community so that they can also carry out mining activities.

Secondly, the Mines and Minerals Act does not contain any provision that mandates companies or individuals to carry out environmental, social and cultural impact assessments before being granted a prospecting or mining license. This means that prospecting of minerals even though it has potential to harm the environment occurs in the absence of any impact assessment. In Mhondongori farmers are currently dealing with the environmental challenges that occurred during the prospecting of diamonds in the area. The Environmental Management Act states that certain projects like mining require environmental impact assessments prior to their implementation. The Act compels mining companies to carry out environmental impact assessments before carrying out actual mining activities. However the Act is silent on the carrying out of any social or cultural impacts of a project. It would be prudent to carry out social and environmental impact assessments if the livelihoods of women in mining areas are to be adequately safeguarded.

The Environmental Management (Environmental Impact Assessments and Ecosystems Protection) Regulations, SI 7/2007 were enacted to give guidelines on the implementation of section 97 of the Environmental Management Act. The regulations require that the developer should consult widely with all stakeholders before a certificate is issued by EMA. The challenge with the regulations is that they do not provide specific guidelines on how to ensure that communities, particularly women, are consulted. It would be desirable if the guidelines stated for example that Village and Ward assemblies should be consulted during the EIAs.

It was noted during the surveys that views on environmental impact depend on social class with the less educated emphasising the importance of issues such as livelihood and the loss of areas from which to obtain resources or to grow crops while their more educated and affluent counterparts emphasised the issues of health and the degradation of the aesthetic beauty of the environment.

4.1.5.2 Disconnected Regulatory Framework

There is no lack of environmental legislation per se, but existing regulations are fragmented and difficult to enforce. This is also reflected in the large number of ministries responsible for enforcing environmental legislation. The Ministry of Lands and Rural Resettlements, the Ministry of Water, Environment and Climate Change, the Ministry of Mines and Mining Development and the Ministry of Local Government, Public Works and National Housing are the Ministries mandated with developing and implementing mining and agricultural laws and policies. These ministries are in charge of management of land in rural areas. The Ministry of Water, Environment and Climate Change through the EMA and ZINWA is responsible for the overall management of environmental and water policies.

The EMA was established in 2003 after the amalgamation of three departments namely Natural Resources Unit, Zimbabwe National Water Authority (ZINWA) Water Quality Section and the then Ministry of Health and Child Welfare's Hazardous Substances and Atmospheric Pollution Section. The EMA has two operational departments namely Environmental Protection (EP) and Environmental Management Services (EMS). The Environmental Protection unit is responsible for enforcing environmental legislation and the setting up of environmental quality standards. The Environmental Management Services is responsible for collecting, producing and disseminating environmental information to societies and training of stakeholders and environmental management. The EMA is therefore

the primary unit in terms of safeguarding environmental resources. However its relationship with other government departments has greatly undermined the implementation of its mandate.

The co-ordination among various agencies and government departments is poor and some of their roles and responsibilities overlap and at times conflict with each. In most cases government agencies do not complement each other, rather there is a duplication of effort. For instance the RDC has no control over who is granted mining rights in their district as it is allocated either by the Mining Affairs Board in Harare or by the provincial mining director in Gweru. In many instances RDCs have to follow up on people granted mining rights so that they can collect royalties. The local authority should have a record of the people who are carrying out mining activities in their area, however currently there is no system for effectively ensuring that this becomes a reality. The Mines and Minerals Act instructs holders of mining or prospecting licenses to notify the local authority before they commence mining or prospecting, however, no mechanisms for the enforcement of this provision have been made. District officials in Zvishavane also noted that the Ministry of Mines and Mining Development was issuing prospecting licences without engaging other relevant stakeholders like the local authority and the District Lands Office.

The issuing of mining rights was viewed as being highly centralised. The more centralised government is the more the rights of vulnerable groups are ignored. Women's voices are already ignored at local level where women are visible and at national level where they are even less visible they are likely to have no platform through which to lobby for their rights with the government. To increase effectiveness and efficiency power needs to be decentralised and bureaucracy reduced so that women are more likely to be able to articulate their needs and concerns.

There are no co-ordination platforms between the Ministry of Mines, ZINWA and EMA at provincial level. One of the officials in the Ministry of Mines pointed out:

‘When the two agencies were established they were both under the Ministry of Mines and Environment. However when the Ministry of Mines was split it became difficult to co-ordinate because the agencies were now in different Ministries.’

He also noted that the Ministry was unable to co-ordinate effectively because it did not have enough resources. Currently the Ministry has two vehicles to service the eight districts in the province. This is compounded by the fact that the Ministry of Mines is one of the few government ministries that does not have any district offices. Furthermore the provincial office was unable to effectively address the issues in Zvishavane because the district had been moved from under the jurisdiction of Masvingo to Midlands Province in 2014.

In terms of section 5 of the Traditional Leaders Act traditional leaders are recognized as a key institution and are given the mandate to protect natural resources in their community. Yet the Environmental Management Agency and the Forestry Commission are also recognized as institutions that have a national mandate to protect and conserve natural resources.

The Environmental Management Agency (EMA) appears to be powerless in enforcing environmental laws. In 2010 the EMA issued tickets to perpetrators of environmental crimes in the Mapanzure area, but most of them did not pay and the police were powerless to enforce their payment or to fill and render safe the deep pits they left open through their mining operations. Most of the companies mining in the area claimed that they were not responsible for the pits. Zimasco the largest chrome miner in the area claimed that the pits were left by their tributaries and they as a company were not responsible for filling the pits. The Zvishavane District EMA co-ordinator had asked Zimasco to submit their environmental management plan (EMP) but the Mine manager stated that they reported to EMA Shurugwi where their regional office was located. From this interview I noted that there was poor co-ordination even between various EMA district offices. Neither the police nor the EMA had the technical expertise to determine the identity of the offenders. What needs to be done is for the co-ordinates of the claim to be determined in order to identify the holder of claim. This procedure can be carried out by council's department of physical planning. When it issues mining licenses the Ministry of Mines keeps records of the co-ordinates of each claim. Once the owner of the claim is determined then they can be held responsible for the rehabilitation of the land.

There is a need for institutionalized co-ordination between the various government departments. The Rural District Council indicated that they are aware of a large number of small-scale mines having been opened up. However, the Council does not have details of how many or the quantities of minerals they are producing. The council feels that it is being

prejudiced of revenue. The District Lands Office also highlighted that they had very little interaction with the Ministry of Mines and Mining Development because the latter had no district office. The District Lands Officer pointed out that one of the most glaring examples of the absence of institutionalised co-ordination was the fact that the map that was in possession of the Ministry of Lands was different from the one that the Ministry of Mines and Mining Development was using.

The non-implementation of mining and environmental laws can be blamed on resource constraints but in some cases it is deliberate. One interviewee in a government ministry pointed out that it would not make economic sense to regulate the activities of small scale gold miners because they were currently producing 40 percent of the country's gold. If they are forced to comply with all the requirements of the law then the gold production in the country would significantly drop thereby compromising the economy.

4.2 REFLECTING ON THE FINDINGS

In view of the far-reaching changes that result from mining activities it is important to assess what options communities may pursue in their attempt to secure access to environmental justice. It is not only the livelihoods of women that are transformed by mining but also their relations with men. The issue of mining has also been coloured by the political landscape in the country.

4.2.1 Is a Constitutional Challenge an Option for the Farmers?

Zimasco, one the big companies fingered in the massive environmental degradation in Zvishavane has hit hard times and recently applied for judicial management. The company is unable to carry out any rehabilitation of the land that was damaged by its operations in the district. The local community cannot force Zimasco to rehabilitate the land because legally speaking the land does not belong to them, it is state land. The option that the community has is to lodge a constitutional challenge based on section 73 of the Constitution which gives everyone the right to an environment that is not harmful to their health or well being as well as section 72 on the right to agricultural land. The community should sue the state as the duty bearer who has failed to protect the rights of the local community.

The key rights that exist in the Constitution's Bill of Rights include the right to property under section 71 that give communities the right to be involved in mining activities that have a bearing on the land they occupy. According to the constitutional provisions on property rights, a person who owns or has a vested interest in property being acquired for development processes is supposed to be notified of the intention to acquire the property and the payment of fair and adequate compensation. This therefore strengthens the rights of local communities in line with development projects that can undermine their right to property and the issue of adequate compensation in cases of relocation. The other rights which strengthen the rights of the local communities with regard to development projects are the right to an environment that is not harmful to their health or well being. Communities living adjacent to mining areas have rights to bring any person who is carrying out any activities that violate their environment to any court of law.

Section 46(1)(c) of the Constitution states that in interpreting the Declaration of Rights, courts, tribunal, forums or bodies must take into account international law and all treaties and conventions to which Zimbabwe is a party. This therefore means all international law, treaties and conventions is a primary source of law in dealing with cases pertaining to constitutional Rights. In interpreting rural women's rights to property courts should be guided by the provisions of CEDAW (article 14) and Maputo Protocol (article 19). Both articles provide for the right to a satisfactory environment favourable to development and that it is the duty of the state to ensure that developmental and environmental needs are met in a sustainable, fair and equitable manner. The environmental degradation that is currently happening in Zvishavane that is undermining the livelihoods of rural women is a failure by the state to fulfil its human rights obligations towards them. Female small holder farmers can seek redress in the courts and hold the state accountable for its failure to safeguard their livelihoods.

4.2.2 Changing Gender Relations and Identities as a Result of Mining Activities

The changing gender relations and identities in mining communities often manifest themselves through women becoming sex workers; the change in women's socio-economic status; the rise of women's organisations; and the increase in women's activism against extractive activities. In Zvishavane there has been an increase in the levels of prostitution. Employees of the mining companies have a regular income and therefore they are better off than those (mostly locals) without a regular income. This relative affluence has created an opportunity for the proliferation of prostitution. This is contributed to by the fact that the

migrant workers do not share the same culture as the locals and they use their money literally to get what they want. This might lead to the erosion of local culture. Radical feminists like MacKinnon view prostitution as part of the gender based violence continuum and equate it to slavery. They find sex work fundamentally objectionable because it involves women's subordination (Tamale, 2011).

The socio-economic status of women has changed in Zvishavane due to mining activities. Women have ventured into waged labour and can now participate in the cash economy. In Murowa where women are earning a minimum of US\$300 a month they are now contributing significantly to the upkeep of their families. One man noted that his children were now going to boarding school because his wife was earning sufficient money. Some of the men pointed out that the increase in women's earning capacity was increasing the rate of divorce because women were now considered 'uncontrollable'. According to my own analysis it could be that the enjoyment of an increased and consistent income has empowered women to emancipate themselves from abusive relationships.

4.2.3 Political influence in the sector and its implications for women's livelihoods

Zvishavane district is home to some of the leading politicians in Zimbabwe including the Vice President Emerson Mnangagwa who comes from Mapanzure. Members of Parliament representing the districts including the Deputy Minister of Mines are involved in mining activities in the town. The family of the former Vice President Joyce Mujuru has significant shares in Zimasco. As a result, efforts to resolve the issue have been difficult for the local authority because political leaders from the district are keen to protect their interests in the mining sector. The politicians have failed to resolve the issue as they appeal to both farmers and miners for votes, and as such resolving the issue would mean favouring one of the sides which will affect their prospects in the next election campaign. Local authorities seem to have no power to act on behalf of the local communities in pursuing their interests with the mining companies. And as they do not have political connections, women are unable to fully participate in the mining sector.

4.3 Conclusion

The research found that although farming activities have been affected, mining activities have led to the diversification of rural livelihoods in Zvishavane. Furthermore women have tried to

participate in the mining industry with little success but have managed to do well in downstream support services. The participation of women in the mining sector is difficult because of the political dynamics at play in the sector. The law has proved to be inadequate in safeguarding the livelihoods of rural farmers. In cases where the law is available it has been affected by weak implementation mechanisms. Mining activities have brought unprecedented changes to the lives of women in Zvishavane. Some of the changes are positive, but most have been negative. There is a possibility of instituting a constitutional challenge against the harmful impacts of mining. This could provide hope for justice for women in the face of the closure of some mining companies that are responsible for the environmental degradation. It must be acknowledged, however, that it is difficult for women, individually or collectively, to assert their rights.

CHAPTER 5

5.0 SUM OF THE WHOLE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The study on the impact of mining activities on the livelihoods of female small scale farmers in the Mhondongori, Mapanzure and Murowa wards in Zvishavane district has demonstrated that:

- Communities (particularly women and children) are being affected negatively by mining activities. The impact of mining activities on local communities in Zvishavane are invariably similar to other areas in Zimbabwe. The effects of mining activities on local communities are largely negative. The negative impact of mining activities include land degradation, pollution of the air, water and land and the violation of communities' economic, social and cultural rights. Environmental degradation means that it is difficult to making a living out of agriculture. The only benefits that accrue to local community members exist in the form of Corporate Social Responsibility (CSR) projects that are often too small, misdirected and have little participation from the community members themselves. The major benefits that communities derive from mining activities are infrastructural development like health facilities, schools as well as roads and limited employment opportunities.
- In some areas mining has stressed and disrupted existing livelihoods in ways that have escalated poverty particularly amongst women and children. The impact on women has been especially harsh because they do not have space to participate in the cash economy that results from mining activities. As a result of some mining operations women have lost some of their land but have also begun other livelihood activities.
- Although mining has been a negative phenomenon for women, there have been some positive outcomes especially for those whose livelihoods are

derived from small scale farming. Some women have ventured into mining whilst others are now participating in other economic activities like vending and offering support services to the mining companies. However, the reproductive roles of women are used to deny them employment in the mining sector. Mining companies have not made little or no effort to transform the work environment to sufficiently meet women's biological and physiological needs.

- The local importance of mining is undermined by current economic and governance challenges. Institutional designs and administrative practices at all levels from national to local are weak and lack progression making the facilitation of meaningful protection of women's livelihood activities poor and the addressing of rights violations difficult. The fact that women in communal areas have no tenure rights over the land that they occupy limits their recognition as important stakeholders within the overall framework of mining law. This means they do not participate in policy formulation nor in the creation of the country's laws. This presents a challenge to the safeguarding of their right to livelihood. Research on mining and women is vital in the global South as it provides information which can inform the adoption of just, responsible and sustainable extractive industries.
- Mining laws in Zimbabwe do not provide adequate safeguards to the livelihoods of small scale farmers, neither does it provide for fair and equitable sharing of costs and benefits arising from the extraction of minerals. Local community members particularly women often bear the negative environmental and social costs of mining environmental pollution; land degradation; social upheavals; forced relocations with no commensurate benefits accruing to them. The failure of the mining laws to place importance on environmental management means that communities not only lose their livelihoods but are also exposed to violations of their socio-economic rights. In addition, there is no recognition of customary law in the governance of mineral resources. This is unfortunate as customary law might have offered protection of women's rights to land and preservation of the environment.

- The mining sector is also regulated in a coercive and non-responsive manner, with the chrome mining areas of Mapanzure and Mhondongori reflecting the most negative extreme of such coercion and lack of effective regulation.

5.2 Recommendations

The following recommendations are targeted towards policy makers and implementers. There is a need to amend the law so that it aligns with the Constitution and sets up effective regulatory frameworks. The Constitution contains provisions for environmental rights and a constitutional challenge should be made to ensure that the State fulfils its Constitutional duties.

5.2.1 Legal Measures

The problem of environmental degradation is a legislative issue. The Mines and Minerals Act and the Environmental Management Act which are the most relevant Acts should but do not complement each other; there are many instances, for example in the case of alluvial gold mining, the acts contain contradictory provisions which simultaneously encourage and discourage certain practices. One recommendation to remedy this is to come up with a new Act that harmonises the provisions of both Acts. Fortunately, the government is currently in the process of drafting legislation to replace the Mines and Minerals Act. Community members are of the view that the consultative process which is meant to support the draft should include people in communal areas. As one local chief pointed out, however, while mining is happening in the rural areas, these consultations are only being conducted in urban centres.

In some areas like Murowa Diamonds where proper EIAs were conducted women still bear the brunt of environmental degradation. A way to mitigate this is to require mining companies to critically assess the impact of their work before they commence prospecting as well as before actually starting mining activities. Examples of how this can be effectively done is by using frameworks like the Gender and Human Rights Impact Assessments. A Gender Impact Assessment (GIA) allows project planners to consider the impact that a project has on women, men, boys and girls and on the economic and social relations between

them. It ensures that negative project impacts are minimised at the same time as promoting women agency and empowerment.

One of the major contributing factors to the plight of women is the highly centralised and bureaucratic mining procedures as well as the absence of effective co-ordination between different government departments. This situation can be remedied by enhancing participation of women in mineral policy making. Firstly, the new Act should expand the composition of the Mining Affairs Board to include Community Based Organisations and Civil Society Organisations. The current section 7 of the Act that provides the composition of the Mining Affairs Boards includes only representatives from government, business, labour and the academic community. Secondly section 406 of the Act provides for the establishing of District Advisory Boards in mining districts; however these are not functional in Zvishavane. Government should revive the District Advisory Board so as to decentralise the management of mineral resources. The government should also reserve some seats for women in the Board to ensure their participation in policy making at the local level. This will go a long way in ensuring that mining industry complies with the Constitution and the National Gender Policy.

The recognition of traditional community leadership structures in environmental management as opposed to central government authorities is important in that it gives this function to the local level leadership. Some local chiefs felt that they should also have some oversight of the management of the environment including the activities of mining companies.

Furthermore there is a need to understand that good regulations can only be as effective as their implementation. Thus policy implementers must be trained on gender mainstreaming and a people-centred approach development in a manner that creates spaces and engagement processes with communities on their priority needs.

5.2.2 Public Interest Litigation

The Constitution of Zimbabwe (section 73) and the Environmental Management Act provide for environmental rights. Section 31(1)(a) of the Mines and Minerals Act states that there shall be no prospecting on communal land without the consent of the occupier. Section 188 of the Mines and Minerals Act also provides for payment of compensation for communities whose land is acquired for mining purposes. Although occupiers of communal land do not have secure tenure, section 71 of the Constitution gives a wide definition of property rights to

include an interest in property. So by virtue of occupying communal land rural women have an interest in the land. These various legal instruments provide legally enforceable rights that can form the basis of public interest litigation.

Public interest litigation refers to the use of legal action to advance the cause of poor and marginalised communities. It is usually used to raise issues that are for public concern. Public interest litigation is an effective tool for seeking legal redress because it pushes the boundaries of the interpretation and application of legal provisions that have not been fully utilised. This is especially attractive in the Zimbabwean context because section 46 of the Constitution allows for the use of international law in the interpretation of the Bill of Rights. Outside the court room public interest litigation yields positive results like strengthening community organisation and mobilisation aspects that are crucial for women's empowerment.

5.2.3 Policy Measures

The government departments and stakeholders that are involved in mining and environmental management should share information about their plans so that they do not negatively impact on each other or duplicate their functions or efforts. The current challenge is the absence of the Ministry of Mines and Mining Development at the district level. The government should ensure that in each district where there are mining activities, a representative of the Ministry of Mines should be appointed. This would assist in improving co-ordination of the work being carried out to safeguard the livelihoods of rural women.

There is a need for the continuous oversight and monitoring of the activities of mining companies. The Human Rights Commission and hopefully the Gender Commission (once it is functional) should monitor the violation of environmental, economic, social and cultural rights of women affected by mining activities in their communities. The Commission should investigate reports and institute the necessary processes that ensure communities have access to a remedy/ies. In 2013 the Parliamentary Portfolio Committee on Mining visited Mapanzure and brought to light the challenges that communities were encountering as a result of mining activities. Similar studies on the specific challenges that women face should be conducted by independent bodies like the Gender Commission.

NGOs should also seek to enhance the livelihoods of women in the district by channelling aid towards agricultural production as opposed to food handouts. Since the dry conditions in the

constituency hamper meaningful agricultural productivity which exposes the people to food insecurity there is a need to create diversified economic opportunities and income projects to sustain their livelihoods. The loss of the source of livelihood has caused a fall in households' income, a situation that is exacerbated by the fact that the mining companies do not favour employing the locals.

Evidence from the ground points to poor involvement of women in the planning stages of programmes run by CSOTs. There is a need to encourage participatory planning and provide guidelines on women's involvement in community needs assessment. In one of the FGDs women pointed out that they wanted a vocational training centre and not another school or clinic. Women should also participate in the negotiations that occur prior to mining. For example women in Mhondongori were not consulted before mining claims were pegged close to the boreholes they regularly accessed and as a result of certain mining activities they were unable to access them, thereby being effectively denied crucial access to water.

In conclusion participatory planning will lay the foundation for gender specific programmes that address the developmental needs of women.

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