

Research Paper

Public Participation and the Governance of Mineral Resources in Zimbabwe

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Article History

Received:
21.11.2020

Revised:
18.12.2020

Accepted:
28.12.2021

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Abstract: Public participation in policy issues by the locals is a crucial ingredient that guarantees the success of any policy decision, national project and public programme. Public participation should permeate every sphere of governance. In this vein, Zimbabwe is endowed with numerous mineral resources. The indigenous Zimbabwean are statutorily deemed as the owners of the mineral resources hence their participation in policy processes and spaces that relate to the governance of natural resources is pertinent. However, it was noted that the Zimbabwean population is not fully benefiting from the extraction of these mineral resources. The paper therefore explores the magnitude and essence of public participation in the governance of mineral resources in Zimbabwe. In achieving this, the paper is informed by Arnstein's ladder of participation as the theoretical framework. In addition, data was gathered from documentary review and in-depth interviews with key informants. The study observed that public participation in respect of mineral governance can be undertaken through public hearing meetings, national budget consultative meetings and alternative mining indabas. However, the current level of participation is within the range of non-participation and lower tokenism. In addition, there is also lack of feedback and information flows in one direction from the Government officials to the citizens. The Government does not really take seriously the contributions from the public. The study therefore proffered some recommendations to enhance the levels of knowledge and participation by the public in the governance of mineral resources in Zimbabwe.

Keywords: Public Participation, Governance, Mineral Resources, Non-Participation, Extractives.



1. Introduction

The right to participate in governance is the most important right entitled to all citizens of any democratic country [1]. This therefore demands for enhanced citizen participation not only in electoral processes but in all the various policy areas. In the extractives sector, participation provides any opportunity for citizens to influence public decisions on the governance of mineral resources. The development world constantly embraces citizen participation as an omnipotent mechanism of developing grassroots capacity towards community development, poverty eradication and wealth creation [2]. Applying this lens to the extractives sector, citizen participation is indispensable in addressing the concerns of the mining communities that revolve around community share ownership, local content development, shared infrastructure, employment for locals and environmental management etc. There is a growing attention to strengthening the processes of participation by enabling the citizens to exercise their voices through inclusion, consultation and/or mobilisation designed to inform and to influence policies and institutions. Furthermore, there has been also focus on how to strengthen the accountability and responsiveness of these policies and institutions through changes in institutional design and a focus on the enabling structures for good governance [3].

Zimbabwe is endowed with vast mineral resources that if properly governed, have the potential to turn around the economy. The fact that the constitution of Zimbabwe gives mineral resources ownership to the indigenous Zimbabweans and that these resources should be extracted for the benefit of Zimbabweans is strong basis for effective participation. To ensure participation, the government of Zimbabwe has established Public Hearing Meetings and Public Budgetary Consultative Meetings as platforms on which the public can participate in public policy. These platforms are being complemented by Alternative Mining Indabas which have been established by civic society organisations working on mineral resources governance.

Given that there are platforms that provide an opportunity for public participation in the governance of mineral resources, a pertinent question that struck the mind is on the extent to which the public is participating in these platforms. Against this backdrop, the purpose of this paper is to interrogate and determine the level of citizen participation in mineral resources governance in Zimbabwe using Arnstein's theory of participation. To have a profound understanding and appreciation of civic participation in mineral resources governance, the challenges to participation in Zimbabwe will also be discussed. Participation can be viewed from an advocacy perspective or it can be participation in the value chain of mining. Focus here will be on the advocacy perspective. Data used in this paper has been obtained from the literature and from in-depth interviews conducted by the researchers.

2. Overview of Zimbabwe's Extractives Sector

Zimbabwe boasts with its vast endowment of more than 60 mineral resources, 40 of which are currently being exploited. In terms of mineral reserves, Zimbabwe has the largest second reserves of Platinum Group Metals (PGMs) and chrome in the world and significant reserves in gold and diamonds [4]. Currently, precious metals (gold, silver, PGMs), precious stones (diamonds, emeralds), base metals (copper, nickel, iron, lithium, chromium and tantalite), hydrocarbons (coal) and dimensional stones (black granite) are being mined. As a result of these endowments, the government of Zimbabwe has pinned its hopes of economic recovery on the mining sector, arguing that the sector attracts much-needed foreign direct investment [5].

The mining sector has evolved to become the most important sector that has the potential to contribute to economic recovery, stabilization and eventual Zimbabwe's growth for over two decades [4]. In terms of employment contributions, the mining sector has created more than 50,000 formal jobs [6]. Furthermore, the mining sector has been contributing significantly to the economic development, constituting about 15% of gross domestic product (GDP), 53% of foreign exchange earnings and between 8 and 12% of government revenue [6].

In terms of the legal framework, the colonial Mines and Minerals Act [Chapter 21:05] of 1961 is the premier legislation regarding mineral resources governance. However several piecemeal amendments have been effected on the Act in a bid to update and make it adequate in addressing matters arising in the extractives sector. A draft 2015 Mines and Mineral Bill amendment was rejected by President Mnangagwa arguing that sticking issues in the bill be addressed first [7]. This however provides a new opportunity for the citizens to participate and contribute to the new law.

Given that the Zimbabwean citizens are not fully benefiting from the extraction of their God given mineral resources, an extractivism debate characterised by two strands has emerged. On one hand, there is an argument that mineral resources should be left in the soil at least for now given the history of mining in Zimbabwe, where government has always been reluctant to pursue policy, legislative and institutional reforms to ensure that the collection of mineral revenue is maximised [5]. On the other hand, there is need to continue mining at the same time making progressive changes to the mining sector in ensuring that the communities that host mining companies benefit and that the country as a whole also benefit. The mining industry in Zimbabwe is characterised by a significant increase in the number of human rights violations that range from killings, beatings, torture and rape, to unfair labour practices, child labour and land- and water-grabbing. The criminalisation of artisanal and small scale miners is also a common feature of Zimbabwe's extractives sector.

3. Arnstein'S Theory of Participation

Participation can be defined as, "the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future" [8]. According to Carreira et.al. [9] "Public participation is one of the major mainstays of democracy, and it inevitably influences the goals of public policy". In her theory entitled "Ladder of Citizen Participation", Arnstein postulates that participation can be categorized into five rungs namely: manipulation, therapy, informing, consultation, placation, partnership, delegated power and citizen control [8].

In her theory, Arnstein [8] placed manipulation and therapy at the bottom. She classified these two as non-participation because they substitute genuine participation. The real objective of manipulation and therapy is not to enable people to participate in planning or conducting programmes but to enable powerholders to educate the participants. Under the guise of participation, citizens only rubberstamp issues that are presented to them [10]. In terms of therapy, "citizens are engaged in numerous activities behind the façade of participation, but experts subject the citizens to clinical group therapy to cure them rather than fix the problems at hand" [8].

The three rungs namely: informing, consultation and placation constitute the tokenism category. Under the informing rung, those in power inform citizens of their rights, responsibilities and knowledge regarding the policy issues at hand. As put forward by Lane [11], "consultation has for many years been the dominant approach used by government agencies to gather advice from the public about draft proposals". In support of this Spotswood [12] argues that "consultation is the most important first step toward legitimate citizen participation". However, Arnstein [8] noted that in this level, citizens lack the power to ensure that their views are heeded by those in power. She further notes that when their participation is restricted to these levels, there are no follow ups and no muscle hence there is less or no assurance of changing the status quo. Rung five, placation is an advanced level of tokenism where citizens begin to have some degree of influence though tokenism is still apparent [8].

The last stage is the citizen power which comprises of three rungs namely partnerships, delegation and citizen control. Partnerships enable the citizens to negotiate and engage in tradeoffs with powerholders. At this stage both the citizens and power holders agree to share planning and decision making responsibilities through various structures. Under delegation of power, citizens negotiate with powerholders and citizens will achieve dominant decision making authority. Finally, under citizen control, Arnstein is of the idea that, "the citizens will actually have managerial and policy control and can set conditions under which government can alter programmes" [8]. However, it can be argued that full participation might be impractical and should apply to small units such as local governments, charities and workplaces [13].

4. Public Participation in Zimbabwe'S Extractive Sector

Since the indigenous Zimbabweans are the owners of the mineral resources, their participation in policy processes and spaces that relate to the governance of natural resources is pertinent. Community participation in the management and use of mineral wealth at the local level has the potential to speed up the process of community empowerment and lead to increased pressure on central government for better management of mineral wealth and for greater transparency and accountability in its management [14]. The general view that there is limited participation in the governance of mineral resources is partly explained by Maveneke's observation that 'there is a myth that central government

can decide and manage on their own public policy and local people are a threat rather than an asset in policy making' [15]. The establishment of Public Hearing Meetings, National Budgetary Consultative Meetings and Alternative Mining Indabas which will be discussed in this section may partly debunk this myth. This section will examine the notion of public participation in Zimbabwe's extractive sector where instruments such as public hearing meetings, budgetary consultation meetings and Alternative Mining Indabas will be unpacked. Additionally, the section will analyse how different groups such as women and the youths are participating in issues of mineral governance as well as their level and quality of involvement and participation in mineral resources governance.

4.1. Public Hearing Meetings

In a bid to ensure that the public officially participate in the crafting of public policies, the Government of Zimbabwe has established Public Hearing Meetings. As enshrined in Section 141 of the Constitution, which states that the Parliament is compelled to:

- (a) Facilitate public involvement in its legislative and other processes and in the processes of its committees.
- (b) Ensure that interested parties are consulted about Bills being considered by Parliament, unless such consultation is inappropriate or impracticable.

These meetings are not only limited to mining issues, but rather to all public policy issues in other sectors. The Parliament of Zimbabwe defines Public Hearing Meetings as:

“Open committee meetings that are aimed at obtaining input from businesses, civil society organizations (CSOs), public officials and the general public about proposed or existing policies, Bills, regulations and other issues or changes that would significantly affect the public if introduced” [16].

The purpose of the Public Hearing Meetings are to (i) Inform the public and interested parties about proposed changes and implications of public policy; (ii) Obtain public views and recommendations on public and policy programmes; (iii) Facilitate an appreciation of government policies and legislation and, therefore, reduce / eliminate chances of difficulty in policy implementation. This should help to foster future partnerships that bring about change; and (iv) Sensitize MPs and policy makers to popular sentiments and to get first hand feedback from the public about local concerns, perspectives and suggestions for improvement through open interaction (ibid).

Concerning the Mines and Minerals Bill, in 2016, the Parliamentary Portfolio Committee on Mining and Energy conducted public hearings in all the 10 provinces of the country, in line with Section 141 (b) of the Constitution [17]. The consultations were attended by a wide spectrum of people who included: large-scale and small-scale miners, civil society, mining communities and ordinary citizens. A written submission to the Clerk of Parliament was submitted by the Women and Law in Southern Africa Research and Education Trust, giving a gender analysis of the Bill (ibid).

4.2. Budgetary Consultation Meetings

The national budgetary consultations conducted by the Parliamentary Portfolio Committee on Finance and Economic Development are another way in which the public participate in the governance of natural resources. The public participate through contributing to mining related issues contained in the national annual budget. These issues pertain to systems of taxing the mining sector and the levels of mining royalties. As an example, through CSOs, the public advocates for the modification of the royalty system (especially in the platinum sector) to encompass the unit based system which ensures the government is assured of revenues regardless of the nature of the mineral prices [18].

At the local level the citizens also participate in local government budget meetings. Their major concerns are on how much the local authorities are receiving from mining companies to improve social service delivery, land rehabilitation and other compliance issues. However, the contributions of the public on mining issues has been poor. In terms of mineral sector governance, information from the interviews points out that platforms such as budgetary consultative meetings are not effective.

“There are issues which are closer to development challenges such as cash shortages and unemployment. Given the opportunity, the public will speak about issues closer to them to an extent that other technical issues are pushed to the periphery. The public may be aware of the problems in the mining sector, but they would prioritize pertinent issues they are currently facing”. Such a scenario

defeats the primary purpose of community participation on issues relating to mineral resource governance especially those that appear to be too technical.

4.3. Alternative Mining Indabas (AMIs)

AMIs are gatherings where various stakeholders meet and discuss various issues that relate to mining. Furthermore, AMIs can also be seen as a movement building model in the mining sector. They are an initiative by civic society organisations and are conducted at various levels from provincial, national and regional (SADC level). The term Indaba has found widespread use throughout Southern Africa and often simply means gathering or meeting [19]. It has become the norm in Zimbabwe that every year mining Indabas are organized and conducted by a consortium of three organisations namely: the Zimbabwe Environmental Law Association (ZELA), the Zimbabwe Coalition on Debt and Development (ZIMCODD) and the Zimbabwe Council of Churches (ZCC).

The major issues and outcome of the mining indabas pertain to effective and efficient taxation systems in mining, institution of transparency and accountability in the financial management of CSOTs, enhancing community participation across the whole value chain of service delivery from CSOTs (planning, implementation, monitoring and evaluation), relocation and compensation of families affected by mining activities [20]. In her speech on the reflections of AMIs in Zimbabwe at the 8th Zimbabwe Alternative Mining Indaba held in Bulawayo, Joyce Nyamukunda highlighted that AMIs have increased and improved engagements between and among impacted mining communities and duty bearers and mining companies.

Of importance to note is that the Government of Zimbabwe has been positive about the AMIs, allowing stakeholders to congregate, with key government departments coming in to contribute to the process and make presentations on what their departments' role was in advancing mining in Zimbabwe [19]. In line with this, the validity of the Africa Mining Vision (AMV) has been affirmed as a key opportunity for community members' to voice their opinions to parliamentarians, academics, chiefs and members of civil society (ibid). AMIs have shown great potential in ensuring public participation in mining issues both at national and regional levels. A case in point is the engagement with the Environmental Management Authority (EMA) which saw EMA visiting Marange and Zvishavane communities and the subsequent rehabilitation of the pits by the Chinese in Zvishavane as a result of the visit by EMA [20].

Data gathered from the interviews points out that due to the nature of the Zimbabwean societies, AMIs have increased confidence of mining communities in raising issues that affect them to high ranking government officials. This has also empowered them to engage and articulate issues with other government departments, local authorities and mining companies without fear. Additionally, there has been a close relationship between traditional leaders and the communities.

4.4. Women and Youth Participation

Women and youth are heavily involved in artisanal small scale mining and are the hardest hit by the negative externalities of mining activities. Despite this, their participation in policy platforms on mining is very minimal as males dominate. In the public meetings organized by the Parliament, on average, women constitute only less than 20% of the participants. Generally, that the participation of youth is a challenge. In rural areas where the majority of mining activities take place, the population of the youth is very small because the youths have migrated to cities and neighbouring countries in search of greener pastures.

To redress these challenges, NGOs with a focus on mining and environmental issues like the Zimbabwe Environmental Law Association are conducting youth symposiums where youths across the country gather and discuss amongst themselves issues of mining. To attract women participation, there are efforts to create spaces in which women can meet and amplify their voices concerning the problems they are facing and how they can benefit from the mining activities in their localities.

4.5. Level and Quality of Participation

Despite the availability of public platforms on which the public can participate, community participation in the governance and overall decision making process around mineral resources found in their areas has been and still remains minimal [19]. This is in spite of the Section 13 and 194 of the Constitution which states that the public must participate in policy formulation and that all development measures must involve the people [21]. Using Arnstein's ladder of participation, the

current level of participation is within the range of non-participation and lower level of tokenism. This is because citizens are educated, persuaded and advised on certain issues and resultantly, in many instances the public has rubberstamped many decision imposed on them by the powerholders. After rubberstamping decisions, citizens will have the illusion that they have participated.

Citizens have been informed of their rights, responsibilities and options they can take to influence policies that touch on the governance of mineral resources. The communities that host mining communities have been informed that constitutionally, they are the owners of the minerals resources and the government is the custodian. Under this guise, citizens are told and believe that they are participating. Furthermore, the flow of information is one way as it flows from government officials to the citizens and there are little channels for feedback. A classic example is when the government makes pronouncements concerning the extractives sector on the radio and television. Concerning written submissions sent to Parliament, there is no guarantee that there will be feedback. The lack of feedback is a serious threat to full public participation. The responsibilities of the citizens is make the government transparent and more accountable as far as all the activities involved in mineral resources is concerned.

Public hearing meetings and national budget consultative meetings are the frequent methods for consultations. At this level participation is measured by the number of people who have attended the meetings. On the side of the members of the Parliamentary Portfolio on Mines and Energy, the evidence that they have formed a quorum and that people have gathered is sufficient to conclude that there has been participation. The input of citizens is restricted to consultation meetings conducted by the Parliamentary Portfolio Committee on Mines and Energy and there is little focus on participation, delegated power and citizen control. Furthermore, this shows that there is no guarantee that the views of the public are taken on board. This therefore renders participation a window dressing ritual according to Arnstein's words.

This view discussed above echoes with the data from some of the interviewees who colluded on the fact that the government does not really take seriously the contributions from the public and CSOs. Asked on the effectiveness of the Public Hearing meetings as a mechanism that enable public participation, one of the interviewees had this to say:

“The government is adamant and lacks seriousness in terms of considering the voices of the people. The government does not follow what the people say. They say we have heard your concerns but they end up doing the opposite of what we ask them to do. For instance we have been calling for the government to urgently deal with informal mining by recognizing and regulating artisanal small scale miners. Despite the fact that more than half of gold for example comes from this sector, the government has been sluggish. To this end a lot of revenue has been lost through smuggling to the neighboring South Africa”.

Data from the interviews has pointed out that public hearing meetings and the mining indabas are attended by the same faces each time. This is problematic in that there is recycling of ideas and that the communities may suffer the weaknesses those same people who always attend the meetings. Chances are slim that these same people will bring in any new ideas.

A constellation of various factors militate against effective public participation in the governance of mineral resources. From the interviews it was noted that:

- Issues to do with mining are too technical and multidimensional. This is a problem to mining communities, the majority of whom who resides in rural areas and have little education to understand some of the complex mining issues.
- In the public meetings the public does not meaningfully contribute. This results in the public being sidelined and the government will consult thee political leadership.
- The medium used to advertise public hearing meetings is not accessible to everyone. Mostly, the meetings are advertised on the internet and various organisations also share them on their websites. However, not everyone has access to the internet.
- In some instances, the meetings are conducted in areas and venues where most people, especially those affected may not have access. The public hearing meetings are usually conducted in main towns where the majority of people from mining communities are not able to go because of lack of financial resources. To this end the respondents are of the view that public hearing meetings and budgetary meetings are just routine exercise by the government where they are conducted in places not accessible by the affected communities. Important to

note is the observation that the mining sector is treated as a sensitive sector and has been politicized.

- Community members may not contribute meaningfully because of fear of being victimized and implicated for saying things not in the interests of the elite. Despite these challenges contributing to low level of tokenism, it is a legitimate step towards full participation.

5. Conclusion

Using Arnstein's theory of participation, this paper has analysed the extent to which the public participates in the governance of mineral resources in Zimbabwe. The paper has given an understanding of Zimbabwe's extractives sector by giving an overview on the legal framework and pertinent issues in Zimbabwe's extractive sector. The main argument put forward by this paper is that despite the establishment of various platforms by both the government and civic society organisations to enable the public to participate in policy issues that touch on mineral resources governance, the level of participation has been minimal.

The study has found out that there are so many occasions where there is one way communication which flows from the powerholders to the public without mechanisms for feedback. In the public hearing meetings and budgetary consultation meetings conducted by the Parliamentary Portfolio Committee on Mines and Energy, there no full participation as the consultations are not combined with other components such a partnerships, delegated power and citizen control. Furthermore there is no guarantee that the views and contributions from the public are taken on board. Important to note is that these platforms are dominated by the same faces which results in recycling of information. There are a number of factors that militate against effective public participation. Some of those factors may partly justifies why the government does not take the contributions from the public seriously.

What can be gleaned from this is that participation in the governance of mineral resources is still minimal. Using Arnstein's theory of participation, the level of public participation in the governance of mineral resources falls between non participation and lower levels of tokenism. However, low levels of tokenisms are a step towards full participation. To ensure full and effective participation, this paper recommends the following:

- The government should improve the level of public participation by taking into consideration the views of the people rather than only listening and not taking action.
- Public hearing meetings should be done in accessible venues where the affected communities will easily attend.
- There is need to include new participants and expand the areas in which the public hearing meetings, budgetary meetings and mining indabas are conducted. This will ensure that a number of people take part in these processes.
- Civic society organisations should step up efforts to conscientise, capacitate and improve the level of knowledge of citizens on mining issues so as to improve their quality of participation in the various policy platforms on which issues that relate to mineral resources governance are made.

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