



*Sowing the seeds of human rights, peace and sustainable development*

### **1.0 Powers of parliament in Zimbabwe to effect accountability under spotlight as parliamentary portfolio committee on indigenisation meet diamond impoverished Marange communities.**

The portfolio committee on mines and energy in Zimbabwe conducted an inquiry in the diamond mining sector between 2009 and 2013 with the intention of holding the executive to account. Although standing order 167 empowers the committee to summon anyone to appear before the committee for a hearing except the president, Mbada and Canadile miners initially refused to attend the committee hearings and only attended after the committee had invoked section 9 of the Privileges, Immunities and Powers of Parliament Act. In their report presented in parliament in June 2013, the Chindori Chininga led committee indicated that the executive was not willing to be held accountable by parliament. The report also mentioned that the ministry of mines discouraged mining companies from attending committee hearings during that time. Furthermore the committee also highlighted that they were on two occasions denied entry into the diamond fields by state security agencies in 2010. When they were finally granted permission into Chiadzwa in 2012, security operatives denied them the right to meet with communities impacted by mining operations for "security reasons", said the report.

The committee unearthed serious irregularities in the selection process of joint venture partners, corporate governance systems in the joint venture companies and the mining contracts signed by Government in all mining ventures in Marange. The committee recommended that government undertake immediate reforms such as creating a one-stop mineral administration system with sufficient capacity to deliver on their critical mandate, operationalise a domesticated Zimbabwe Mining Transparency Initiative (ZMTI), enact a diamond law to regulate the industry, adapt a transparent contract negotiating system and develop a law for parliament to ratify all major mining contracts. The committee also recommended that a statutory instrument be enacted to empower local communities in diamond mining areas and also that the government develop a standard relocation model to protect community rights. The executive largely ignored the Chindori Chininga portfolio committee findings by failing to implement their recommendations. At the same time parliament made insignificant efforts to hold the executive to account for the irregularities unearthed by committee investigations long after the report had been presented in parliament.

The portfolio committee on indigenisation was recently in Marange to conduct public hearings on the impacts of social corporate responsibility programmes undertaken by Marange diamond mining companies for the Marange communities. The hearings follow inquiries the committee had been conducting on the status of the US\$50 million pledges made by Marange diamond mining firms to Zimunya-Marange Community Share Ownership Trust in recent years. When they summoned Zimunya Marange Community Share Ownership Trust to appear for hearing before parliament back in 2014 the trustees indicated that they had not received any meaningful contribution towards pledges made by mining companies. The mining companies also denied ever making such pledges when they

appeared before the same committee. The then minister of Indigenisation Francis Nhema pointed out that his ministry had not received documentation from former minister of Indigenisation Saviour Kasukuwere to prove that mining companies had made commitments to those pledges. The ministry of mines also denied any involvement in the Zimunya Marange CSOT saga and claimed that they only knew about the pledges through reading in the press. When invited to shed light on the matter in parliament, Minister Kasukuwere accused chairperson of the portfolio committee on indigenisation for abusing his position to fight a personal war with him. The accusation came shortly after the minister had indicated that discussions relating to Zimunya Marange pledges were made at very high political level, according to parliament sources. No funds were ever remitted to Zimunya Marange Community Share Ownership Trust ever since parliamentary investigations were initiated in 2014.



*Board of Zimunya Marange Community Ownership Scheme claimed they only received a paltry US\$400 000 from two Marange diamond companies when they appeared in parliament in 2014.*

The parliamentary public hearings in Marange have come at the backdrop of arbitrary state seizures of diamond operations amid claims by the executive that mining companies operating in Marange have robbed the nation of over US\$ 15 billion worth of diamonds in unscrupulous mining practices. Meanwhile the ministry of mines has already kick started operations of Zimbabwe Consolidated Diamond Company (ZCDC) in Marange without parliamentary oversight. Parliament has a key role in ensuring that the executive is held accountable for their actions when implementing government policies and programmes. Judging from the findings of portfolio committees undertaken so far, it is evident that the executive has over the years deviated from their constitutional obligation of securing the diamond resource for economic development of the people of Zimbabwe for their personal benefits. Now that the executive has finally admitted that billions in revenue were lost in Marange, will their admission give impetus on parliament to take necessary measures to force the executive to account for their role in diamond resource plunder?