

THE EFFECT OF MINING OPERATIONS IN CHIADZWA, ZIMBABWE AND
MOGALAKWENA, LIMPOPO, SOUTH AFRICA, ON THE ENVIRONMENTAL HUMAN
RIGHTS OF LOCAL COMMUNITIES

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BY

MASEKESA LIBERTY KUDZAI

STUDENT NUMBER: 11585529



University of Venda

PREPARED UNDER THE SUPERVISION OF PROFESSOR GEORGE VUKOR-QUARSHIE,
MR. CORNELIUS HAGENMEIER AND MS PULENG LETUKA AT THE SCHOOL OF LAW,
UNIVERSITY OF VENDA, SOUTH AFRICA

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ABSTRACT

In most countries, mining is regarded as one of the important economic activities which contribute hugely to economic development. However, it has been scientifically acknowledged that if not properly carried out, mineral extraction potentially causes serious physical environmental damage, in terms of land conversion and degradation, habitat alteration and water and air pollution. These problems, in turn, often adversely affect the adjacent communities. In this vein, this study was aimed at examining the effect of mining activities on environmental rights of individuals and communities residing adjacent to mining areas with particular reference to the Chiadzwa mining area in Manicaland Province, Zimbabwe and the Mogalakwena mining area, Limpopo Province, South Africa. It seeks to address the need to develop and maintain appropriate regulatory regimes to manage issues relating to environmental degradation caused by the mining operations in mining areas like Chiadzwa and Mogalakwena in order to ensure that people living in the chosen areas may not suffer infringement of human rights as a result of harmful mining activities. The existing legal mechanisms that regulate international environmental human rights in the context of mining activities are utilised to assess, from a comparative perspective, the effectiveness of specific laws and policies put in place to protect the environmental rights of the communities under study. Additionally, the study analyses, compares and contrasts the prominent characteristics of the legal mechanisms, policies and systems that have been put in place by the two governments to protect, and promote the environmental human rights of the communities concerned. Doctrinal legal study and empirical study form the basis of the research methodology of this study. The study found that mining companies especially in Chiadzwa, in their desire to generate as much profit as possible, do not always comply with legal mechanisms and policies that seek to promote environmental human rights objectives. This has resulted in the infringement of fundamental human rights of the adjacent communities and people. The study also advances relevant recommendations which are meant to constructively contribute to law and policy reform in the two countries. In the final analysis the paper advocates that stakeholders in the mining communities under study should be empowered and educated to recognise the complementary and interdependent relationship between human rights and environmental health. If this intricate relationship is recognised, mining communities will not only derive economic benefits from the ongoing mining activities, but will also enjoy fundamental human rights including environmental rights.

Key Words

Adjacent communities, Chiadzwa, clean and healthy environment, environmental degradation, environmental human rights, Environmental Impact Assessment, fundamental human rights, mining operations, Mogalakwena, sustainable development