



# Marange mining firms sued over pollution

Tendai Kamhungira • 21 June 2015 2:13PM • 1 comment



**HARARE** - Five Marange residents have dragged three diamond mining firms based in that area to court, accusing the companies of discharging human waste and other chemicals in nearby rivers.

The residents: Zakeu Nhachi, Rosemary Maruwa Jena, Elias Matsveruka, Mayimboti Mayimboti and Isaac Ziwenjere together with the Zimbabwe Environmental Law Association are the applicants, while Anjin Investments (Private) Limited, Marange Resources (Private) Limited and Diamond Mining Company (Private) Limited were cited as respondents.

The mining companies are involved in diamond exploration and mining in the Marange communal lands.

According to court papers, in conducting their mining activities, the firms are discharging untreated waste material and effluent into the Odzi, Save and Singwizi rivers.

“Further the first to the third defendants (mining firms) discharge untreated human waste into the rivers. These discharges heavily pollute the Save and Odzi rivers resulting in the rivers being silted, muddied, dirty and loaded with chemical and metal deposits including iron, chromium and nickel,” the court was told.

The residents, who reside on the banks of the rivers, told the court that they depend heavily on these rivers for their subsistence including using the water for drinking, bathing, livestock watering, gardening and fishing.

They also argued that the pollution had destroyed the aquatic life like fish, thereby destroying the ecosystem.

“Such discharges expose the second to the sixth plaintiffs (residents) to risks of contaminating diseases such as cancer, cholera, typhoid, dental and skeletal fluorosis. This conduct by the first to the third defendants violates the Environmental Management Act (Chapter 20:27),” the court heard.

However, the mining companies entered special pleas, arguing that the residents had not exhausted their remedies under the Environmental Management Act for the protection of their rights.

The firms said that the residents should have lodged their claim with the Environment Management Agency (Ema), which would in turn have acted according to law.

The firms also argued that Ema should have been cited as a party to the proceedings, adding that the non-citation was fatal to the residents’ case.

The court agreed with the residents’ submissions and went on to dismiss the mining firms’ arguments.

“...the point in limine relating to lack of jurisdiction in the form of a special plea is dismissed,” Takuva ruled.

He further dismissed the firms claim that Ema should have been cited as a part to the proceedings.

“Accordingly it is ordered that the special pleas by the first, second and third defendants be and are hereby dismissed with costs,” he said.

The matter is now to be heard on merits.

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