

09 January 2015

His only crime is being poor and unemployed



Philip Dowera

Philip Dowera is a 42 year old man who resides in the gold rich Penhalonga Township on the outskirts of Zimbabwe's eastern border city of Mutare. Like millions of Zimbabweans, he is unemployed due to the economic meltdown that has seen Zimbabwe's economy shrink by over 40% in the past decade. The father of one says he is worried that he may be in prison by the time his pregnant wife gives birth to their second child in a few weeks' time. Philip is facing imminent imprisonment after security guards from DTZ OZGEO arrested him on suspicion that he was doing illegal artisanal mining on their premises even though they caught him in the street. They handed him over to Zimbabwe Republic Police who charged him for prospecting in Penhalonga without a license. DTZ OZGEO is a joint venture between the Russian state-owned All Russian Foreign Economic Association on Geological Prospecting (Zarubeyhgeologica) and the Development Trust of Zimbabwe.

Philip briefly appeared before a Mutare Magistrate on 6 January 2015 and was remanded to 29 January for trial. He has no money to pay a lawyer for legal representation. His long-time friend, Moses Banda is currently serving a two year jail term for a similar offense and is due for release end of 2015. On 20 April 2013 Philip witnessed the death of his other friend, Joseph Mutasa who was allegedly murdered

by DTZ OZGEO security guards. On that occasion Philip was arrested and only released the following day to assist Police in the search for his slain friend. He says he led detectives to the place where his friend had been murdered and they saw him submerged in water with a huge rock placed on top of his body. He says the huge rock is at Mutare Central Police Station and each time he passes through the police station he sees it and memories of that fateful day come back.

Philip's story mirrors the experiences of thousands of Zimbabweans who, after finding themselves jobless and unwilling to leave the country for neighbouring South Africa and Botswana as economic refugees have turned to artisanal mining for a livelihood. Whilst artisanal mining is providing employment for about half a million Zimbabweans, the laws of the country remain in the colonial backwaters which favours big, foreign mining corporations at the expense of poor, local artisanal miners. Zimbabwe's supreme mining law, the Mines and Minerals Act was crafted by the British settler government in 1961. Because the law was meant to promote and protect British and western mining investments, it created a complex licensing system that did not factor in artisanal and small scale mining at all.

The Zimbabwe government has perpetuated the colonial legacy that alienated Zimbabweans from their mineral wealth by charging obnoxious registration fees for artisanal miners. The Ministry of Mines and Mining Development charges USD 4000 pegging fees whilst mine registration fee is \$1000 per year. Speaking to Newsday recently, the President of Zimbabwe Artisanal and Small-Scale for Sustainable Mining Council Wellington Takavarasha said artisanal miners are expected to pay \$8000 milling fees whilst rural district council levies range between \$200 and \$1000 annually. Environmental Impacts Assessments also range from \$500 to \$1000.

It is these prohibitive fees and a complex mining legislation that sees innocent citizens like Philip Dowera being nefariously charged for violating an unjust and outdated piece of colonial legislation. Scores of hard working Zimbabweans are languishing in jails for mining without licenses whilst others have paid the ultimate price. Whilst Chapter 4 section 64 of the Constitution of Zimbabwe declares that 'every person has the right to choose and carry on any profession, trade or occupation', it also makes it clear that this may be regulated by the law. It is therefore up to government to come up with progressive laws that prioritizes the needs and aspirations of its citizens.

Centre for Natural Resource Governance calls on the government of Zimbabwe to immediately halt the arrests, harassment and imprisonment of artisanal miners and speedily come up with a progressive legislation in order to regularise the informal mining sector. Formalization will increase government revenue base whilst reducing the environmental hazards and other social problems associated with informal mining. Further, CNRG calls on government to drop charges against Philip Dowera and release all artisanal miners whose arrests and imprisonment is an affront to their constitutional right to life. The right to life without a right to work falls below the minimum standards for human security.

Philip Dowera needs a lawyer to fight his case in court. Those able to assist with legal fees can contact the Chairperson of the Penhalonga Community Development Trust, Forbes Makufa at 0772850226 or Philip himself at 0774334521 or the CNRG secretariat on the numbers below. Centre for Natural Resource Governance believes economic rights are human rights too. CNRG works with resource rich but extremely poor communities to whom natural resource abundance is causing suffering which include displacements, pollution and various forms of human rights abuses which include harassments, arrests, beatings and detentions.

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