



# Implications of COVID-19 restrictive measures on democratising environmental governance through EIA in Zimbabwe.

Mutanda, Gideon, Walter<sup>1\*</sup>; Zinhiva Hardlife<sup>2</sup> and Sawunyama Lawrence<sup>3</sup>

<sup>1</sup> Department of Physics, Geography and Environmental Science; Great Zimbabwe University

<sup>2</sup> Department of Physics, Geography and Environmental Science; Great Zimbabwe University

<sup>3</sup> Department of Physics, Geography and Environmental Science; Great Zimbabwe University

\*Corresponding author: [gmutanda@gzu.ac.zw](mailto:gmutanda@gzu.ac.zw)

## Abstract

*Zimbabwe's Covid-19 restrictions have so far managed to weather the pandemic and avert an unmanageable public health crisis, but the same restrictions are undermining access to public participation rights which are the 'heart' of a rights-based environmental governance. Using data collection procedures motivated by phenomenological research, this study explores the implications of Zimbabwe's Covid-19 restrictions on public participation during environmental impact assessment (EIA). The objectives of this research study were to understand the impact of Covid-19 restrictions on public access to environmental information; public participation during environmental decision making; and access to administrative justice on environmental matters during EIA. Research findings show that lack of new EIA regulations to guide EIA public participation during the pandemic aggravated a roll back to the era when human rights related to the environment were ranked as petty third generation rights. In view of this, it is argued that, for EIA's to realize one of its intended objectives (promotion of democratic environmental governance), Zimbabwean authorities should move away from the 'new normal rhetoric' and modernize the public participation process with inclusive consultative platforms. This research recommends future researches to assess how Covid-19 restrictions had affected access to substantive environmental rights and environmental democracy.*

**Key words:** Environmental governance, public participation, environmental rights, EIA, Covid-19.

## 1. Introduction

The last four decades witnessed public 'participation explosion' in environmental decision-making gaining ground and rapidly expanding in law and practice throughout the world (Du Plessis, 2008). Calls for participatory democracy came as a realization that environmental problems cannot be solved effectively by government alone but through a joint effort of government and the public (Pring & Noe, 2002). According to ZELA (2011) and Tamuno (2012) public participation entails participation in decision making processes, access to information and access to justice (in matters related to the environment). UNEP (2017) argues that states have heightened and procedural obligations to protect vulnerable groups from environmental harm and to make environmental information public; facilitate public participation through protection of the right of expression and association; and provision of access to effective remedies for environmental harm. These obligations are often considered to correspond to civil and political rights. Legally binding international human rights instruments such as United Nations Charter, Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights and International Covenant on Economic Social and Cultural Rights recognize different types of general participatory rights (GPR) such as the right to freedom of expression and opinion, freedom of participation and the right to freedom of peaceful assembly and association (Tamuno, 2012). UNEP (2017) argues that the indirect rights theory states that GPR recognize environmental rights since the later rights are rooted in civil and political rights though environmental rights are late arrivals in the body of human rights law.



While none of the legally binding international human rights instruments directly guarantee PER, they find their legal foundation in Principle 10 of the Rio Declaration. The Aarhus Convention of 1998 and the Escazu Agreement of 2021 further developed Rio Principle 10 and took PER to a new level by setting out three fundamental rights: access to information, access to public participation and access to justice, as key pillars of a rights-based approach to sound environmental governance (UNEP, 2021). Article XVI and XVII (3) of the Revised African Nature Convention secures PER and calls for a decentralised environmental governance, an application of the subsidiarity principle for the people of Africa (Tamuno, 2012). Environmental governance is defined as the government response to and interaction between instruments of government and the general public and the involvement of the public in environmental decision-making process (Tamuno, 2012; Sobikwa & Phooko, 2021).

The Rio Declaration, 2030 Agenda (Goal 16), AARHUS Convention and the Revised African Nature Convention have been acknowledged for promoting devolved environmental governance (UNEP, 2021) and calling state parties to enact laws and/or other measures to advance PER. These rights are now increasingly reflected in many national constitutions, for instance South Africa's section 24, Kenya's article 42 and Zimbabwe's section 73 (Du Plessis, 2015) and also other measures that include Environmental Impact Assessment (EIA). EIA is regarded as one of the tools to promote and protect public participation through PER set out in international and national charters (ZELA, 2011; Tamuno, 2012). Public participation through EIA feeds into decentralised environmental governance and promote the idea that 'the governed should engage in their own governance' (Du Plessis, 2008).

While there has been community 'participation explosion' in environmental decision making in the last four decades, recent reports observe a global retreat of democracy in all spheres. Just recently, Covid-19 pandemic aggravated a roll back in democratic principles, citizen participation and the emergence of 'corona' governance systems through exceptional and extra-legal measures (Falanga, 2020). Despite the ravaging effects of Covid-19, Zimbabwe like any other country remained 'open for business' in the course of the pandemic i.e. new business ventures were licensed and underwent EIA processes as per legal requirement. However, public participation during EIA which is the anchor for environmental governance and PER might have been affected by these restrictions. While UNEP (2020) argues that, in times of crisis, states have the discretion to make decisions on issues of public importance to save lives and promote the right to life, UNECE (2020b) comments that these decisions should not result in infringements of other human rights. The AARHUS Compliance Committee further argues that the Covid-19 pandemic is not a 'passport' to reduce and undermine rights in the Convention but use alternative means if established means cannot be used to promote PER and fulfil requirements of convention (UNECE, 2020b).

Despite calls by the AARHUS Compliance Committee to respect GPR and PER, Covid-19 lockdowns and restrictions are believed to have restricted many other human rights (UNEP, 2020) except the right to life and health. These exceptional and extra-legal measures to 'beat' the virus might have reshaped the environmental governance landscape and made states to 'march forward to the past' era of undemocratic systems of

environmental governance. The public health crisis and restrictions might have led to a human rights crisis and a ‘parallel epidemic’ of erosion of pillars (GPR and PER) of good governance. Restrictions on GPR have the potential to affect PER since the later are rooted and intertwined with the former. UNEP (2021) is of the view that human rights and the environment are intertwined such that sound and democratic environmental governance cannot be achieved without the respect of both civil rights and PER. While PERs are a procedural means to achieve both the green environmental agenda (environmental quality) and brown environmental agenda (environmental rights), most researches on Covid-19 focused on its implications on ‘green’ environmental agenda at the expense of ‘brown environmental agenda’ especially PER and environmental governance. This study therefore utilizes the Procedural Environmental Justice Model (PEJM) (Fig 1) to examine access to public participation rights during EIA in the context of Covid-19 pandemic as these rights are the key pillars of a democratic environmental governance system.

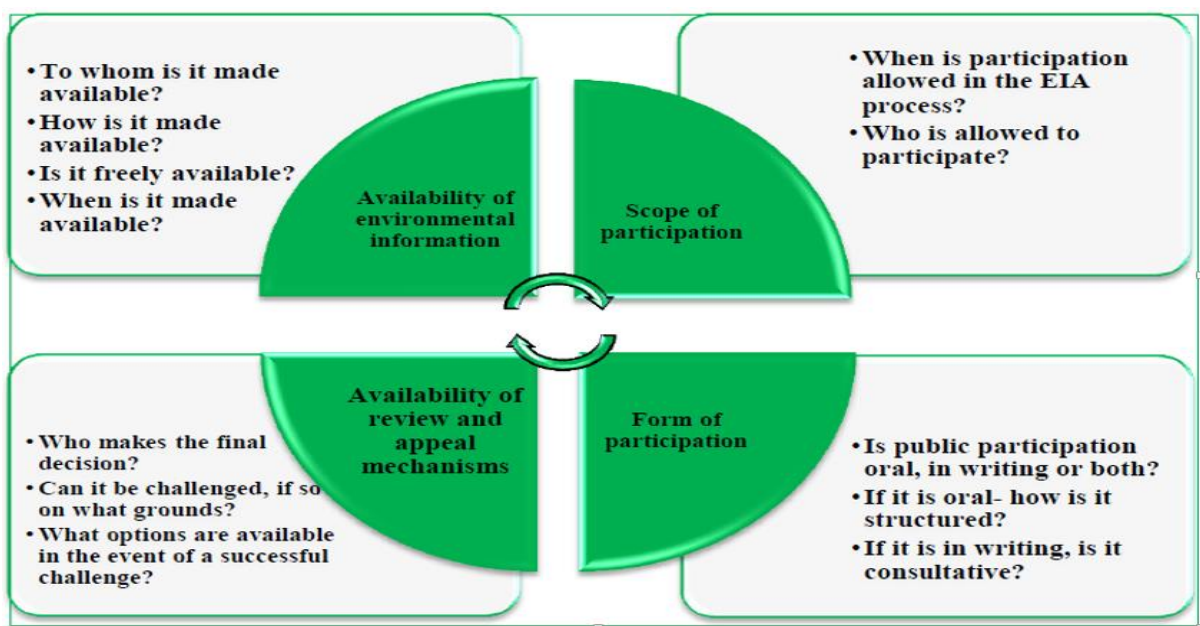


Fig 1. Procedural Environmental Justice Model: (Source: Sambo, 2012)

EIA has the potential to promote democratic environmental governance if it incorporates all elements of public participation that constitutes the PEJM. The study also evaluated the extent and intention of public participation using Arnstein’s ladder of citizen participation. Arnstein’s ladder metaphor shows the graduating levels of public participation in environmental decision-making process where participation is equated to a power struggle among different EIA stakeholders (project proponents, regulators, local communities and interested parties (Sambo, 2012).

### 1.1 Public Participation Rights in the Context of Covid-19 Pandemic

While many countries were hit hard by the Covid-19, many remained open to local and international investments that required EIA for them take-off. Hasan and Megantara (2021) articulates that EIA is not meant to promote environmental sustainability only but also public participation, a key pillar of environmental governance. The fact that new investments were licensed even in a pandemic and abnormal condition (of restriction on



movements and gatherings), it therefore follows that provisions of the Aarhus Convention on public participation rights during the EIA process had to be maintained (Hasan & Megantara, 2021). Edifying this observation, UNECE (2020b) reports that these restrictions should not result in infringements of other human rights as the pandemic is not a 'passport' to undermine rights in the Convention but use alternative means if traditional means cannot be used to fulfil requirements of convention. It is however reported that, the procedure taken to promulgate Covid-19 regulations was tainted by absence of public participation, hence there is no way such regulations could promote public participation rights during EIA processes (Sobikwa & Phooko, 2021). Civil society in New Zealand condemned their government for taking advantage of Covid-19 lockdowns and extra-legal measures to undermine democratic processes by limiting public input while fast-tracking EIA processes of some mega projects (UNECE, 2020a). Sobikwa and Phooko (2021) further reports that conversation and participation are the soul and body of democracy respectively, by implication, any process without these tenets cannot be deemed to be democratic.

The government of Malta conducted a discriminatory electronic consultation that led to the enactment of a statutory instrument which extended development permits valid until 2022 for another three years (UNECE, 2020a). However, civil society condemned the 'elitist' electronic consultation process as it did not capture views of the affected poor communities without access to electronic gadgets but lived in close proximity to development projects. UNEP (2020) urges governments to modernize environmental governance pillars such as public participation by utilizing inclusive and rights-based tools to promote digital participation, access to information and justice during environmental decision-making, regardless of the exigencies posed by Covid-19 pandemic. The Covid-19 pandemic should be seen as an opportunity to complement traditional methods of promoting public participation during EIA through the use of online platforms. Inclusive consultative processes make sure no-one is left behind in the 'journey' to sustainable development as enunciated in Agenda 2030 (SDG 10 and 16) which calls for policies and practices that promote inclusive and just societies.

Since public participation was supposed to be undertaken by new investments in the context of Covid-19 restrictions, environmental regulators around the world were supposed to shift the public participation landscape to ensure no-one is left behind even in a crisis. UNEP (2021) articulates that the Covid-19 crisis should be seen as an opportunity to further democratise environmental decision-making through improved use of digital space and inclusive consultative processes. Long before the Covid-19 outbreak, Persada, Lin, Nadlifatin and Razif (2015) encouraged regulators and proponents to shift away from conventional methods of physical meetings to the use of ICT when collecting public input. This was evidenced in Netherlands where no meaningful change was done in EIA'S public participation processes as it had gone digital before the outbreak of Covid-19 pandemic (Hasan & Megantara, 2021). In response to the Covid-19 restrictions, Indonesian government enacted two new regulations that guides implementation of EIA through online interactions to protect the right to health and maintain local communities' PER. The Nigerian government designed online and zoom platforms where draft EIA reports were displayed and then members of the public gave input in form of written comments (Bristol-Alagbariya, 2021). To further promote inclusivity, some proponents gave network data to members of



the public affected by development projects to give them a chance to influence environmental decision making. The United Kingdom government used print media and physical meetings to solicit public input before the pandemic but during the pandemic it adopted both online platforms and social media in consultation processes (Hasan & Megantara, 2021).

Although the Nigerian government had moved strides in promoting the right to information and participation through the use of online platforms during the Covid-19 pandemic, closure of government institutions denied locals the chance to challenge EIA outcomes they felt were undesirable. Bristol-Alagbariya (2021) observes that access to administrative justice during the pandemic was minimal as evidenced by fewer EIA cases lodged with the courts, closure of court sessions and hearing of only essential or urgent cases at the peak of the Covid-19 pandemic in Nigeria. Lack of access to administrative justice compromised the principle of accountability as proponents and regulators could not be challenged when environmental decision failed to consider public interests. UNECE (2020a) and Bristol-Alagbariya (2021) highlight on how the Covid-19 environment is posing challenges to EIA public participation processes around the world, which gives a hint that Zimbabwe's EIA public participation process is not isolated since Covid-19 is a global pandemic. In view of this, the objectives of this paper are trifold:

- (i) understand the impact of Covid-19 restrictions on public access to environmental information;
- (ii) assess form of public participation during environmental decision making.
- (iii) assess access to administrative justice on environmental matters during EIA

## 2. Materials and Methods

This study was carried out in Zaka district, Masvingo province. A case study research design was used to examine how Covid-19 restrictions had affected the conduct of EIA processes, in particular, public participation rights. EIA processes of three cases or development projects that were given EIA certificates during the pandemic were examined to understand how public participation was done in the midst of Covid-19 lockdown and restrictions. These projects include an artisanal mine in Chiromo communal area, a private clinic and fuel station at Zaka district service centre (ZDSC), all in Zaka district, Zimbabwe. Case study research design was used because it helped to explore an activity (EIA's public participation) in-depth (Creswell, 2003) and it also allowed the collection of a lot of data for triangulation using many tools such as interviews and secondary data. To comply with Covid-19 regulations on gatherings, the study collected data from key informants only who include village heads and Headmen where the projects were launched. These key informants were selected using purposive sampling because they are the focal persons in communities when outsiders and government officials want to engage local communities in any program like EIA. The project owners and EMA officials were also interviewed and asked to provide EIA documents for the projects that had been licensed during the Covid-19 pandemic. They were also selected using purposive sampling to hear expert knowledge on how public participation was conducted in the context of Covid-19 lockdowns and restrictions. Data from interviews and secondary



documents like EIA prospectus and reports were presented as paraphrases or direct quotations. Views of respondents were also triangulated with scholarly work from the literature review.

### 3. Results and Discussion

Results collected were organised into three themes (scope and form of participation, access to information, appeal institutions and mechanisms) based on the components of PEJM, PER enshrined in Rio Declaration's Principle 10, AARHUS Convention and Escazu Agreement.

#### 3.1 Scope and form of public participation

All the three projects had EIA certificates, an indication that they had presumably undergone through all EIA processes, including public participation despite the Covid-19 restrictions. The number of public meetings during an EIA process is one indicator of an effective and meaningful public participation. Chiromo artisanal mining project had to renew its EIA certificate in 2020 after it has expired before the project had been launched. However, research findings show that only one physical meeting with 'locals' had been conducted during EIA certificate renewal. An official from EMA district office reported:

*When the gold mining company conducted its first EIA in 2017, all members were invited through their local leaders but very few attended. The licence then expired before any work had begun and the company conducted another EIA in 2020 to renew its EIA certificate. This time, we invited only the headman, councillor and village heads to ensure compliance with Covid-19 regulations on gatherings.*

Judging on the above views, one can infer that public participation during EIA process was a once-off event before and even during the Covid-19 pandemic. The environmental regulator continued to use physical gatherings to solicit views of the privileged 'locals' i.e. local leaders. It can then be argued that while the environmental regulator was complying with Covid-19 restrictions on the size of gatherings, the continued use of only physical meetings for public consultation during the pandemic disregarded the 2030 Agenda, Goal 16 that calls for inclusive institutions and processes. Use of traditional methods to conduct public consultation during EIA further violated Agenda 21's pre-Covid-19 call for states to use new forms of public participation (Du Plessis, 2008). Again, long before the Covid-19 outbreak, Persada, et al., (2015) encouraged regulators and proponents to change the way the public give input from conventional methods of physical meetings to the use of ICT. From a point of view, one can then argue that no new guidelines had been developed to promote an inclusive public participation process in the face of the Covid-19 pandemic.

Although local leaders in Chiromo communal area had been invited for EIA public meetings, the headman and village head who oversees ZDSC where a private clinic and fuel station had been developed, indicated that no EIA public meeting was conducted. The local council sent its emissary (councillor) to inform them that these two projects had been given land for development by the responsible authority. The local village head commented:



*I'm hearing about this thing (EIA) for the first time. We were not consulted or given a chance to share our views as a village. The local councillor is the one who introduced me to the two project proponents and I had to demand my dues as the village head....we never saw any official from EMA.*

Based on the above sentiments, it would be plausible to argue while Covid-19 restrictions had affected the conduct of oral and physical public meetings, the regulator and proponents took advantage of the pandemic and restrictions to conduct EIA processes without involving the general public. Edifying this observation, Sobikwa and Phooko (2021) argues that the procedure taken to promulgate Covid-19 regulations was tainted by absence of public participation, hence there is no way such regulations could promote public participation during EIA processes. While the Covid-19 pandemic had changed the landscape of environmental governance, the environmental regulator did promulgate new guidelines to promote the perpetual enjoyment of PER even in times of crisis. Thus, local leaders were just informed by the responsible authority to ensure the 'rubber stamping' of decisions that had been made somewhere. This contradicts Hasan and Megantara's (2021) argument that provisions of the Aarhus Convention on public participation rights have to be maintained even in abnormal conditions. Furthermore, lack of public consultation affected access to participatory and substantive environmental rights since the former rights are an end to themselves and a means to an end (later rights). By denying locals the chance to participate in EIA processes, the government violated its international and constitutional obligation to protect and maintain citizens' procedural and substantive rights. The Agenda 2030, especially Goal 16 mentions that states have a vertical obligation to establish effective, accountable and inclusive institutions at all levels if sustainable development is to be achieved (UNEP, 2021).

Based on the above views, 'local people's power to influence environmental decision-making during EIA processes of the three projects was evaluated against Arnstein's ladder of citizen participation. A scrutiny of Figure 3 suggests that Chiromo 'residents' had relatively more power in influencing environmental decision-making during EIA processes than 'residents' who lived close to the private clinic and fuel station at ZDSC. Citizen participation for Chiromo and ZDSC 'residents' was stuck at the fourth and first rung (Fig. 2) of the citizen participation ladder respectively. For the artisanal gold mine project, public participation was consultative though there was no guarantee that their input became part of the final decision as they did not participate in the review of the report and get access to the final EIA report. Views shared by the local village and headman whose jurisdiction covered ZDSC indicated that there was manipulation of the Covid-19 environment to exclude local people from participating in the EIA process.

		Development Project	Year EIA Done
8	Citizen control		
7	Delegated power		
6	Partnership		
5	Placation		
4	Consultation	Artisanal gold mine	2020
3	Informing		
2	Therapy		



1	Manipulation	Non-participation	Private clinic and Fuel Station	2021
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Fig 2. Modified version of Arnestein’s ladder of citizen participation.

Further scrutiny of Figure 2 suggests that there was negative correlation between period of the pandemic and level of citizen participation as it fell from the fourth rung in 2020 for Chiromo gold mine project to the first rung in 2021 for the ZDSC projects. There was no ‘local community’ participation during EIA processes for the private clinic and fuel station at ZDSC as citizen participation was stuck at the bottom rung of the ladder. Judging on the views above and information in Fig 2, it is apparently plausible to argue that local communities at ZDSC were not given an opportunity to share their views on the two projects that were likely to affect their substantive rights and livelihoods. The village head and headman were only notified of the two projects that had been approved to operate in their areas although this was against community based environmental governance and participatory democracy. However, Hasan and Megantara (2021) are of the view that even in a hard condition like Covid-19 pandemic, public services related to environment protection and public participation during EIA should not be ignored. Edifying the observation that there was non-participation of locals during EIA processes of the private clinic and fuel station, a local village head further reported:

*‘Covid-19 ndiyo inongozopomerwa asi chero ukabvunza mugari wenzvimbo ino anokutaurira kuti apa pakashanda mari uye chigandanga kuti varidzi vapiwe mapepa’ (Covid-19 restrictions can be blamed for lack of community consultation during EIA but every local person here is aware that EIA certification of the private clinic and fuel station was influenced by money and political muscle respectively).*

Underscored in the above quotation is the view that lack of public participation during EIA processes was not only affected by Covid-19 restrictions but also the financial and political strength of the project proponents. Thus, while Covid-19 was a health crisis that led to human rights crisis through curtailing access to general and participatory environmental rights during EIA processes, proponents with financial and political capital had to hide behind the pandemic while pushing through their projects without public scrutiny. Covid-19 restrictions added to the misery of local communities as it was now used as the scapegoat for failing to conduct meaningful public participation. This contradicts views by UNEP (2020) that the Covid-19 crisis should provide an opportunity to further democratise environmental governance through inclusive consultative processes that utilizes both traditional and digital tools to harness people’s views.

**3.2 Dissemination of environmental information and collection of public input**

Zimbabwe’s Environmental Management Agency (EMA) Act makes it mandatory for all environmental management activities (including EIA) to share environmental information and experiences to increase the capacity of communities to participate in environmental governance. A scrutiny of earlier views by an official from EMA district office suggests that dissemination of environmental information and capturing of public views in Chiromo and ZDSC areas during the Covid-19 period relied on physical meetings. It would not be an exaggeration to argue that restrictions to gatherings and upgrading of lockdowns affected the not only civil



liberties (GPR) but also access to environmental information as it was reliant on conduct of physical meetings. The environmental agency did not promulgate new alternative and inclusive measures that allowed locals to provide feedback based after getting a briefing from their local leaders, an indication that public participation was done to tick all EIA checklist boxes. Use of physical meetings only to solicit views of the local leadership before and during the pandemic violated the existing legal statute (Statutory Instrument 7 of 2007, 10(7)) that prescribes the use of print and electronic media in disseminating and capturing public views during EIA processes.

The environmental agency and proponents were duty bound to notify the public about EIA processes and disseminate environmental information by availing EIA reports so that locals can hold proponents accountable for negative externalities of the project. However, members of the two local communities (Chiromo and ZDSC) had no access to the EIA report. A village head from Chiromo communal area commented:

*I was privileged to be part of the team that visited EMA district office in 2020 to check on the licencing status of the gold mining company. Unfortunately, one EMA official read and explained for us some sections of the EIA report. We were denied physical access and photocopying of the whole report citing confidentiality of some issues in the report and the risk of spreading or contracting Covid-19 disease. Although we were allowed to take images of a few selected sections, the officer advised us to apply to the EMA provincial office to get access to a full EIA report.*

Building on this perspective, a representative of the owner of the fuel station stated:

*We have the EIA report but it may not be the final. The official and final EIA report can be obtained from EMA district office. We now have the (EIA) certificate and as you can see, construction of the project is almost complete (Fig 3). We are on course to fulfil the President’s Vision 2030 (of making Zimbabwe an upper middle-income economy).*



3a

3b

Fig 3a & b. Fuel station and private clinic under construction at ZDSC



Basing on the above two quotations, it can be argued that, the view that EIA reports were ‘public documents’ was merely a rhetoric as the reports were inaccessible to the affected communities and other interested parties pre-Covid-19 and during the pandemic. Again, the environmental regulator cited Covid issues to deny physical access to the report, thereby edifying the view that the agency used the pandemic to undermine ‘locals’ their participation rights. Furthermore, it is apparently valid to conclude that, refusal to provide a hardcopy of the EIA report based on the risks of Covid-19 was insincere as the environmental regulator could provide soft copies via online platforms. Access to a full EIA report was also conditional on paying an application fee to the provincial office, and this required lockdown exemption letters to travel to the provincial town, making it difficult to access the much-needed information.

### 3.3 Access to administrative justice

Accountability is one of the principles of sound environmental governance which is only actualized when local communities have access to administrative justice and can challenge environmental decision making. In considering whether to award the EIA certificate or not, the environmental regulator is legally bound to consult persons or communities affected by the project. However, research findings show that locals lacked information on institutions of appeal and procedures when they are unhappy with environmental decision-making process. A village head whose area of jurisdiction covers ZDSC reported:

*When we were informed by council that our land had been allocated to the two projects, we couldn't do anything. Our learned children later advised us to appeal against the decision or engage environmental related civil society but remember there is lockdown.....movement is difficult. The process is expensive and too technical.*

Edifying this perspective, another village head from Chiromo communal area stated:

*In 2020, all affected village heads were invited to a meeting that was attended by District Development Coordinator, Police, President's office, EMA, Council and gold mine proponent. They were all speaking the same language...they supported the opening of the gold mine. That is when we realized that even if we are unhappy with the licensing procedure, we had nowhere to seek recourse because all public officials present were enthusiastic about the mine project. The consultation happened when many government departments had been decongested to curb COVID-19 infections thereby making it difficult to lodge our complaints. However, the miner proceeded with mineral exploitation without the ceremony but he is not getting any meaningful gold ore. Gold has spiritual connotations, you can't successfully exploit it where there are conflicts.*

Judging on the above quotations, one can infer that decongestion of appeal institutions that handles EIA appeals due to upgraded lockdowns and restrictions added to the basket of problems (lack of confidence in appeal institutions and expertise to draft appeals) that were affecting locals’ access to administrative justice. The comments further show that the local communities felt that the conduct of the agency and other government departments during public consultation was mainly driven by the needs of the proponent to have project certified than communities’ interests. This violated their constitutional obligation of being a referee during the



EIA process and the principle of procedural fairness which is at the heart of administrative justice. Edifying this observation, Du Plessis (2008) is of the view that judiciaries, adjudicating bodies and regulators have a role to strengthen the law by reflecting on where rights have veiled meanings and by construing directives that make citizens to enjoy their all their human rights.

The above quotation further shows that, while communities felt that there was lack of administrative justice due to the partial nature of adjudicators and Covid-19 regulations, locals had to resort to the 'living dead' whom they believed could 'lock' gold ore until appeasement ceremonies have been conducted. The fact that locals had to resort to the spiritual realm for restorative justice was a pointer to lack of confidence in appeal institutions and an indictment of the environmental agency as a partial referee. Building on this observation Du Plessis's (2008) further argues that good governance is reliant on public confidence, mutual trust and reciprocal relations between government and people.

Although some local leaders especially in Chiromo communal area raised concern over lack of information and confidence on appeal mechanisms, the environmental agency revealed that misunderstandings on the EIA were attributable to the activity being new in the district and to the local people. An official from EMA reported:

*Zaka has had little or no EIAs in the past decade because no big projects were developed. Not everyone was invited due to Covid-19 restrictions but we explained everything on appeal mechanisms to the invited local leaders. However, some failed to understand the whole EIA process, appeal institutions and mechanisms while others did not bother listen to us because they were against the launch of the mine project fearing relocation.*

Underscored in the above quotation is the fact restrictions on large gatherings forced the environmental regulator to use local leaders as focal persons to cascade information to their constituents. The Covid-19 environment made it difficult to fully engage all persons, but this did not justify the use of consultative processes that did not work in the 'new normal', thereby disenfranchising locals' access to PER. While Covid-19 was a 'dark cloud', the agency failed to see the 'silver lining' in it i.e. opportunities to modernize EIA public participation process in order to maintain PER even in a crisis. Building on this observation, UNEP (2020) reports that the Covid-19 crisis should serve as a platform to adopt an all-encompassing consultative EIA process that complements traditional methods with digital tools.

#### **4. Conclusions and Recommendations**

Although Covid-19 lockdowns and restrictions had averted chances of an unmanageable public health crisis in Zimbabwe, the same measures compromised access to GPR (civil liberties) and PER which are the 'heart' of a rights-based environmental governance. Upgrading of lockdowns to weather the pandemic, had weathered people's freedoms and undermined participatory environmental democracy as there was limited involvement of the governed in their governance during EIA. In government and media circles, there was emergency of the



'new normal' rhetoric that was not matched with new mechanisms of EIA public participation that suits the Covid environment. Despite the Covid-19 pandemic, Zimbabwe remains open to new businesses but not open to new EIA guidelines to promote inclusive and holistic public participation in the midst of the crisis. The study recommends for the development of new regulations that guide EIA processes while responding to the needs of the community even in a crisis. These new regulations should promote the use of diverse and inclusive forms of participation so that no-one is left behind if Agenda 2030's SDG 16 is to become a reality. Government should establish more community radio stations countrywide to allow access to information from proponents, regulator and civil society so that locals can meaningfully participate and challenge decisions that do not put them at the centre of development. Civil society organisations with a bias towards rural community development, environmental and rights issues should have representatives in rural areas so that they can offer technical advice on EIA processes, and appeals procedures to local people. This research study recommends future studies on how Covid-19 regulations had affected substantive environmental rights, environmental democracy and justice. There is also need for researches on how Zimbabwe's EIA policy and practice can be improved in the context of the Covid-19 pandemic or any other crisis.

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M.G.W.; Original draft preparation, data collection and reviewing; Z.H.; Reviewing and editing; S.L., Reviewing and editing.

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#### Conflict of Interest:

The authors declare no conflict of interest.

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