

Pillars in Practice Multi-Stakeholder Forum: “Advancing the Implementation of the UN Guiding Principles for Business and Human Rights in Zimbabwe’s Mining Sector”

KEY HUMAN RIGHTS AND BUSINESS CHALLENGE: WORKING CONDITIONS

Pillars in Practice Multi-stakeholder Forum Recommendations:

Recommendations for all stakeholders

1. Engage in collective dialogue and training with all stakeholders, particularly police, prisons, Members of Parliament, military, employees and ILO

Civil Society Recommendations

1. Civil society should promote apolitical workplaces by encouraging companies to make public statements to that effect, as well as building capacity of companies to foster an apolitical workplace
2. Civil society should promote awareness among communities of their rights as workers, including when they are employed temporarily
3. Unions should continue to represent the interests of casual labourers
4. Civil society organisations should raise awareness of the issue of child labour in informal mining

Business Recommendations

1. Businesses should have clear policies stating their apolitical nature and that they are not affiliated with any particular political party
2. Businesses should make all political dealings transparent. This includes all political donations, as well as affiliations with companies owned by politicians
3. Businesses should build the capacity of informal miners by purchasing minerals from licensed informal miners
4. Businesses should strive to achieve a 50-50 gender representation in their workforces
5. Businesses should ensure that their workplaces are gender-sensitive
6. Businesses should provide decent accommodation for families, as well as appropriate and safe accommodation for single women
7. Businesses should not require a period of working before workers can take maternity leave
8. Businesses should, where possible, avoid using casual labour. Casual labourers should not be employed for long periods of time, and should be given the same rights and benefits as permanent employees according to how long they have worked for the company, not their contractual status
9. Businesses should provide services for the communities where they operate, and should not restrict these benefits to their workers only.
10. Business associations should give their members guidance on addressing the needs and challenges of child informal miners

Government Recommendations

1. Government should bring the Labour Act into line with international standards
2. Government should implement existing labour laws, and domesticate the international conventions that have been ratified
3. Government should take steps to formalize the informal mining sector

4. Government should increase programs to identify informal miners and allow them to collectively represent their interests and obtain licenses
5. Government should investigate potential long-term health impacts of mining projects before approving concessions
6. Fines for companies that pollute should be large enough that they are not simply seen as 'the cost of doing business'.

KEY HUMAN RIGHTS AND BUSINESS CHALLENGE: REVENUE DISTRIBUTION

Pillars in Practice Multi-stakeholder Forum Recommendations:

Civil Society Recommendations

1. Civil society organisations should train communities on participating in human rights due diligence and negotiations with companies seeking to begin operations that may affect them.
2. Civil society organisations should compliment government efforts to capacitate businesses and communities in human rights principles
3. Civil society organisations should champion the role of trade unions

Business Recommendations

1. Businesses should increase their compliance with existing policies on revenue distribution and remittance
2. Businesses should adhere to international best practices
3. Businesses should fairly and adequately compensate affected communities, and should consult affected communities before deciding the form and amount of compensation
4. Compensation should include loss of livelihoods and lost utility of land
5. Businesses should disclose their financial statements, including to those affected by their operations

Government recommendations

1. The government should devise mechanisms that quantify what percentage companies should pay for the wealth they generate from the resources of Zimbabwe
2. The government should make transparent the payments it receives from mining companies
3. The government should actively engage communities
4. The government should hire independent investigators to ascertain the amount of minerals available in area before exploration by companies, and Memoranda of Understanding should include clauses to be updated if original assessments of project duration or profitability change.
5. The government should seek to attract mining companies whose policies and practices respect human rights
6. Parliament should exercise its oversight role in ensuring that mineral wealth is returned to the communities where it was taken from

KEY HUMAN RIGHTS AND BUSINESS CHALLENGE: LAND & ENVIRONMENT

Pillars in Practice Multi-stakeholder Forum Recommendations:

Civil Society Recommendations

1. When concessions are given to mining companies, all stakeholders should be involved. The community should have first priority over how the land is to be developed.
2. Civil society organisations should train women to know and understand how to engage with companies. Where appropriate, neutral third parties should be engaged to assist in negotiations.
3. Civil society organisations should consider litigation where businesses do not follow existing regulations.
4. Civil society organisations and trade unions should take up a stronger oversight role.

Business Recommendations

1. Businesses should consider the principles in the UN Declaration on the Rights of Indigenous Peoples, particularly those pertaining to environmental stewardship and the economics of the environment.
2. Businesses should look to the Inclusive Business Model as a guide for capacitating and developing local communities and reducing conflict
3. Businesses should collaborate on specific guidelines and policies around gender equality
4. Where mining takes place on communal land, businesses should seek free, prior and informed consent. If mining is to take place on state land, businesses should engage the government
5. Businesses should consider the traditional and cultural values of the people. In some mining areas, the land may have sacred or ceremonial aspects. Companies should have a code of conduct (whether required by the government or not) and this should be encompassed within their code of conduct.
6. Businesses should communicate with community leadership with the purpose of allowing communities to express their wishes on land use.
7. Businesses should include local communities in employment
8. Businesses should perform due diligence on the land tenure systems where they operate.
9. Foreign businesses should work through local embassies to train groups of companies on the UN Guiding Principles on Business and Human Rights
10. Businesses should comply with existing regulations on land and environment, and should consider entering into partnerships with communities on relevant development indicators.

Government Recommendations

1. In practice, the Mining Act overrides all other laws. The government should revisit this framework, and synchronise with other laws. The Environmental Management Act should take precedence in practice.
2. Government should revise Zimbabwe's environmental impact assessment (EIA) framework. This should include consultation of key stakeholders including communities
3. Government should synchronise the Traditional Leaders Act, Communal Lands Act, Mines and Minerals Act and Environmental Management Act to facilitate community land titling. Government oversight over land should be systematised.
4. Government should ensure a conducive environment to allow CSOs to work.
5. Government should mainstream Zimbabwe's National Gender Policy. Use indigenous knowledge systems to capacitate women.
6. Government should develop a Mines and Minerals Act as the current one is colonial and outdated

7. Government should produce clear guidelines regarding compensation and relocation of communities as a result of mining activities
8. Government should address the imbalances against women with respect to land.
9. Government should strengthen the capacity of ministries to engage in dialogue and promote human rights.
10. Government should strengthen the capacity of civil society organisations to promote human rights among communities and to capacitate the government itself.
11. Government should revisit the issue of community entitlements. The rights of communal landholders should be spelled out more clearly. Foreign investors should enter into 'win-win' relationships with communities.
12. Government should issue specific guidelines for compensating communities affected by mining. Compensation principles should be based on the costs to the communities. The higher the costs, the higher the compensation.
13. Government should adopt the Vancouver principles on relocation
14. Government should establish permanent structures to support people with psychological issues from human rights abuses as a result of mining activities

KEY HUMAN RIGHTS AND BUSINESS CHALLENGE: SECURITY & CONFLICT

Pillars in Practice Multistakeholder Forum Recommendations:

Recommendations for all stakeholders

1. All stakeholders should work together to devise a conflict management structure to handle disputes arising out of mining. This mechanism should be equipped to handle complaints from any party
2. All stakeholders should promote best practice exchange visits—countries that have success in security, military, police or army could train Zimbabwe security forces
3. All stakeholders should devote resources to training security forces, whether private or public

Civil Society Recommendations

1. Communities should be informed about how security forces should conduct themselves so they can bring complaints if standards are violated.
2. Civil society organisations should promote education on security sector aspects in relation to human rights

Business Recommendations

1. Businesses should have codes of conduct that instruct public and private security forces how to engage with communities. This should include specific provisions on gender-related issues.
2. Businesses should monitor security-related violations in communities
3. Businesses should set up a structure for communities to report violations by security forces
4. Businesses should perform due diligence on security-related risks before operations begin
5. Businesses should communicate their security arrangements to communities, including how to make a complaint so that they understand rules but also their access to complaints.
6. Businesses should, where possible, include local communities in employment, including in private security arrangements
7. Where possible, businesses should avoid the use of private military contractors.

Government Recommendations

1. Government should adopt a code of conduct, procedures and plans for public security officials whenever they provide services to mines
2. Government should promote education and training of public officials on how to engage communities.
3. Government should develop a curriculum on human rights for public and private security
4. Government should capacitate the Human Rights Commission as a mechanism to able monitor and investigate human rights abuses perpetrated by government officials. The Human Rights Commission should be allowed to visit mine sites and comment on the conditions there.
5. Government should ensure the implementation of existing standards, including on the use of force

About Pillars in Practice

Pillars in Practice is an international initiative to build the capacity of civil society organizations in Bangladesh, Nicaragua and Zimbabwe to advance the implementation of the UN Guiding Principles on Business and Human Rights. This programme targets three industrial sectors over an 18-month period: agriculture in Nicaragua, garment manufacturing in Bangladesh, and mining in Zimbabwe.

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