



Zimbabwe Environmental Law Association

Raising the Community Voice in the Extractive Sector

Zimbabwe Environmental Law Association and Center for Research and Development Statement on the United Nations Guiding Principles on Business and Human Rights

The Zimbabwe Environmental Law Association (ZELA) and the Center for Research and Development (CRD), call on the Government of Zimbabwe and mining companies operating in Zimbabwe to adopt and endorse the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UN Guiding Principles on Business and Human Rights are a set of guidelines for States and companies to identify, prevent and redress human rights abuses committed by businesses in their operations.

In 2008, the United Nations endorsed the 'Protect, Respect and Remedy Framework' for business and human rights. This framework was developed by the then Special Representative of the UN Secretary General, Professor John Ruggie, following three years of research and worldwide consultations with businesses, civil society, governments and victims of corporate human rights abuses. This framework defines the responsibilities of companies and governments to prevent human rights abuses by businesses. According to the framework, states must protect their citizens from company human rights abuses. Businesses should respect human rights, no matter where they operate. All victims of human rights abuses by companies must have access to an effective remedy. In 2011, three years after the adoption of the Protect, Respect and Remedy Framework, Ruggie produced a set of comprehensive recommendations and actions to put the framework into practice and these are called the United Nations Guiding Principles on Business and Human Rights.

While the UNGPs are applicable to all businesses irrespective of their area of focus or size, they are particularly relevant to Zimbabwe's mining sector due to its potential to contribute to economic recovery, stabilization and eventual growth. The mining industry in Zimbabwe has become the cornerstone of the economy contributing more than 60 percent of the country's Gross Domestic Product in recent years. According to the World Bank, export earnings from the mining sector are expected to rise from \$ 2.6 billion in 2012 to \$12 billion by 2018.

Despite the potential of these revenues to contribute to economic development, the mining sector in Zimbabwe has been plagued by allegations of gross human rights abuses of communities and mine workers among other challenges. Violations of communities' rights include their civil, political, environmental, economic, social and cultural rights. Workers' rights violations include unsafe working conditions and low wages.

Although the mantra of human rights has for some time targeted government as the primary duty bearer, new insights have shown that business (i.e. mining companies) also have a role to play in addressing human rights abuses within the sector. There is now an increasing realization by business that profit is closely linked to the respect of human rights. There are best practices, standards and guidelines that guide the

interaction between human rights and businesses. One such best practice is the United Nations Guiding Principles on Business and Human Rights.

It is against this background that ZELA is implementing a project called the Pillars in Practice based on the UNGPs with active support from CRD. The project is being implemented in partnership with Social Accountability International (SAI) and Danish Institute for Human Rights (DIHR). The objective of the project is to encourage government, civil society, trade unions and businesses to implement the United Nations Guiding Principles on Business and Human Rights.

As part of this project, we have consulted the Zimbabwean business, government and civil society stakeholders to identify concrete actions that will improve the human rights practices of mining companies.

Government should:

- Develop guidelines for business on complying with the UNGPs
- Revise existing laws and policies and formulate new laws and policies regarding human rights and business;
- Promote awareness of available state based and non-state based human rights remedy mechanisms;
- Encourage businesses to report on human rights initiatives, issues and best practices through either optional or mandatory reporting frameworks

Businesses should:

- Develop a human rights policy based on the UNGPs
- Create an operational-level grievance mechanism where communities and employees can voice their human rights concerns to company management
- Work with other stakeholders to help guide business' implementation of the Guiding Principles
- Establish networks or forums for business sharing of best practices and challenges in respecting human rights.

Civil Society Organisations should:

- Raise awareness of the UN Guiding Principles among stakeholders
- Work with other stakeholders to devise a conflict management structure to handle human rights abuses associated with mining
- Promote awareness among communities and workers on their rights at the work place and in the community