

## ANNUAL REPORT 3



# REPORT OF THE THIRD MULTI-STAKEHOLDER CONFERENCE ON BUSINESS AND HUMAN RIGHTS

*17<sup>th</sup> of February 2021, Dar es Salaam, Tanzania*



## ***Annual Report III***

### **“Report of the third multi-stakeholder conference on Business and Human Rights in Tanzania”**

*Conference held on the 17th of February 2021 in Dar es Salaam, Tanzania*

*Antwerp/Dar es Salaam, February 2021*

#### **Report prepared by:**

Commission for Human Rights and Good Governance

P. O. Box 1039, **DODOMA, Tanzania**

Tel: +255 734 047 775 Fax: +255 22 2111533/2135226

Email: [info@chragg.go.tz](mailto:info@chragg.go.tz).

Website: [www.chragg.go.tz](http://www.chragg.go.tz)

**Edited by:** IPIS (Mieke Thierens)

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CHRAGG is also thankful to all the representatives (meeting attendees) from government, Civil Society Organizations, Business corporations, Community members, media, international organizations and embassies for their willingness and openness to contribute to the discussions, share their experiences and ideas. With their contributions and insights, project partners eyes are more opened to the gaps, resolutions and way forward of the conference.

CHRAGG hopes that the conference strengthened stakeholders networking, as created through this engagement, will continue to exist and that will all ensure that the agenda of business and human rights is fulfilled.

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## LIST OF ACRONYMS

<b>AJISO:</b>	Action for Justice in Society
<b>BHR:</b>	Business and Human Rights
<b>BHRT:</b>	Business and Human Rights Tanzania
<b>CHRAGG:</b>	Commission for Human Rights and Good Governance
<b>CMA:</b>	Commission for Mediation and Arbitration
<b>CMIS:</b>	Complaint Management Information System
<b>CSR:</b>	Corporate Social Responsibility
<b>EACOP:</b>	East African Crude Oil Pipeline
<b>EEAS:</b>	European Union's Head of Cooperation- European External Action Service
<b>FEMAPO:</b>	Foundation for Environmental Management and Campaign against Poverty
<b>IPIS:</b>	International Peace Information Service
<b>KLP:</b>	Kilombero Plantation Limited
<b>LADP:</b>	Local Area Development Plan
<b>LEAT:</b>	Lawyers Environmental Action Team
<b>MDAs:</b>	Government Ministries, Agencies and Departments
<b>NAP:</b>	National Action Plan
<b>NBA:</b>	National Baseline Assessment
<b>NGO:</b>	Non-Governmental Organization
<b>OSHA:</b>	Occupational Safety and Health Authority
<b>PILIDO:</b>	Pilot Light Development Organisation
<b>RRFHP:</b>	Regional Rusumo Falls Hydroelectric Project
<b>TCCIA:</b>	Chamber of Commerce, Industry and Agriculture –
<b>TIPRI:</b>	Tropical Pesticide Research Institute
<b>TMMTF:</b>	Tanzania Mineral Mining Trust Fund
<b>TSCP:</b>	Tanzania Strategic Cities Project
<b>UNGPs:</b>	United Nations Guiding Principles

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## **EXECUTIVE SUMMARY**

The third multi stakeholder conference on Business and Human Rights (BHR) was held on 17<sup>th</sup> of February 2021 at Holiday Inn Hotel in Dar es Salaam. The main focus was to inform stakeholders on the implementation status of BHR through key lessons learned, challenges faced in particular sectors, operational environments in relation to specific rights or groups; raise awareness; stimulate discussion, built capacity and a strong network of BHR advocates in Tanzania. As a focal topic, this third multi-stakeholder dialogue addressed the annual theme on the *“Human rights impact of Large-Scale Infrastructure Projects in Tanzania”*. The conference was part of the project *“Improving Monitoring Research and Dialogue on Business and Human Rights in Tanzania”* funded by the European Union and implemented by the Commission for Human Rights and Good Governance (CHRAGG), the International Peace Information Service (IPIS), and Business and Human Rights Tanzania (BHRT). The conference was organized by the CHRAGG in collaboration IPIS and BHRT. In the report, CHRAGG provides an overview of the key observations and messages emerged from the conference.

The conference was attended by a broad range of stakeholders representing Government Ministries, Agencies and Departments (MDAs) from both Tanzania mainland and Zanzibar; Civil Society Organizations (CSOs); Business Corporations; community members; media; and International Non-governmental Institutions. The conference was also virtualized and attended by experts from foreign missions, embassies and international organizations. A total of 93 Participants attended the conference.

The conference was organized around 3 main sessions, one detailing highlights of key activities implemented during the project *“Improving monitoring, research and dialogue on Business and Human Rights in Tanzania”*, one offering presentations and discussions around the annual theme (large-scale infrastructure projects) and one where participants were invited to discuss the way forward for BHR in Tanzania through an open dialogue with all participants.

Highlights of the project include (1) fact-finding activities to investigate claims of corporate human rights harms, development of an update to CHRAGG's human rights Complaint Management Information System (CMIS), provision of legal aid and mediation ("*monitoring component*"), (2) field-based research into specific cases of corporate human rights violations ("*Voices from Tanzania*" studies), quarterly briefings on BHR in Tanzania ("*research component*"), and (3) bilateral and multi-stakeholder meetings to promote dialogue in and between key stakeholder groups for advancing the agenda on BHR ("*dialogue component*").

Presentation and discussion of 5 new "*Voices from Tanzania*" studies, executed by five CSOs that aimed at drawing attention to pertinent issues on the *impact of large-scale infrastructure projects in Tanzania*, allowed the formulation of key gaps present in the current pursuit of corporate accountability for human rights in Tanzania. These include limited knowledge on BHR among stakeholders; absence of legal and policy frameworks to address social corporate responsibility issues; absence of a National Action Plan (NAP) on BHR; insufficient engagement of CHRAGG during infrastructure project planning, design and implementation; underreporting of corporate harms and language barriers on available BHR resources.

On the basis of the key messages formulated during the conference participants addressed potential resolutions: CHRAGG to take a lead in motivating the government for practical implications, commitments and plans of the "Protect, Respect and Remedy" Framework for a wide range of issues including developing of a NAP on BHR; Adoption of a smarter mix of measures including mandatory human rights due diligence legislation; Designing strategies for meaningful engagement and consultations among Government, CSOs, communities and other business stakeholders during planning, designing and implementation of both small and mega projects; Paying attention particularly in addressing BHR issues in Zanzibar; Disseminating simplified publications and messages on BHR.

The conference concluded that, many communities and especially vulnerable groups such as women, children and people with disabilities, continue to experience negative impacts of business activities across all sectors for a number of factors including lack of information,

responsibilities of businesses and access to remedy. The conference calls for increase education and awareness campaigns on BHR and increased government action to implement the “Protect, Respect and Remedy” Framework of the UN Guiding Principles on Business and Human Rights.

## **1. INTRODUCTION**

This report presents narration of the outcomes of the conference titled “Multi Stakeholder Conference on Business and Human Rights” held on 17<sup>th</sup> February 2021, at Holiday Inn Hotel in Dar es Salaam, Tanzania. The conference was part of the EU-funded project: ***“Improving, monitoring, research and dialogue on business and human rights in Tanzania”***, which aims at building local and national capacities for improved dialogue, reporting, fact finding, monitoring and follow-up of corporate activities and their human rights impact in Tanzania. The Commission for Human Rights and Good Governance (CHRAGG) implemented the project in partnership with the International Peace Information Service (IPIS), a Belgium based International Non-Governmental Organization (NGO), and Business and Human Rights Tanzania (BHRT), a local NGO. The conference was the third annual multi-stakeholder conference held in the framework of the implementers’ joint project on Business and Human Rights in Tanzania.

The one-day conference brought together 93 (Female 38 and Male 55) participants from Mainland Tanzania and Zanzibar. The participants represented a variety of stakeholders from Government Ministries, Departments and Agencies of the mainland (32) and Zanzibar (4); national-level civil society organizations (21); International Non-governmental Organization(4); Businesses (8), Media (11) and Community Members (10). The meeting was also attended by the donor (3) of the project, the European Union. Online, the workshop was followed by experts from foreign Missions and Embassies and International Organizations. The workshop provided an opportunity for participants to share experiences and learning on Business and Human Rights (BHR), with specific attention to the human rights impact of the large-scale infrastructure

projects in Tanzania. That dialogue had overall aim to strengthening the emerging national network of partners for advancing the agenda on Business and Human Rights in Tanzania.

### **1.1 Objectives**

The conference mainly intended to inform stakeholders on the status of business and human Rights in Tanzania through key achievements of the project activities, initiate discussions on key business human rights impact related to current mega infrastructure projects and gather inputs to formulate concrete recommendations for the way forward on business and human rights in Tanzania. The conference provided a forum for experts and participants to increase awareness on National and International BHR frameworks and to share experiences, learning and recommendations on addressing adverse human rights impacts caused by business activities, particularly in the infrastructure sector.

### **1.2 Methodology**

Participatory approach was used during the conference. The methods used included Presentations; Plenary and Group Discussions; Case Studies and Questions and Answers.

### **1.3 Conference sessions**

The conference had a total of 5 sessions

- i. Opening session: An introduction to the conference;
- ii. Highlights of key activities implemented during the project “Improving monitoring, research and dialogue on Business and Human Rights in Tanzania”;
- iii. Presentations on the annual theme (large-scale infrastructure projects) by five CSOs who participated in “*Voices from Tanzania*” scoping studies on BHR, followed by a panel discussion with representatives from the Government, Businesses and CSOs;
- iv. Building up the way forward for BHR in Tanzania through an open dialogue with the audience;
- v. Closing remarks.

## 2. SESSION I: OPENING SESSION

Two speeches were delivered during the opening session, one by Honorable Mathew P. W. Mwaimu (Retired Judge), CHRAGG's Chairman who officially opened the conference; and one by Mr. Cedric Merel, the European Union's Head of Cooperation- European External Action Service (EEAS) in Tanzania, representing the funder of the project.

### 2.1 Keynote Speech

Mr. Merel, the European Union's Head of Cooperation- European External Action Service (EEAS) in Tanzania, delivered his keynote address during the opening session. He started by thanking CHRAGG's chairman for inviting the EU representative to participate in the Multi-Stakeholder Conference and that the EU is committed to support projects oriented on the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs). He went on stating that the EU supports open policy dialogue with Tanzania and other East African Community members.



Picture No. 1 Mr Merel, head of Cooperation European External Action Service delivering keynote speech during the multi stakeholder conference in Dar Es Salaam on 17<sup>th</sup> February, 2021

Mr. Merel continued to say that the project on *“Improving Monitoring, Research and Dialogue on Business and Human Rights in Tanzania”*, implemented by IPIS, CHRAGG and BHRT, is part of the EU support for responsible business conduct. He noted that the partnership under this project brought together Tanzania and European Union experts. He further mentioned some initiatives supported by the EU, including *“Voices from Tanzania”* field-based scoping studies on BHR issues in Tanzanian communities; supporting vulnerable groups to lodge business-related human rights abuses through CHRAGG's Human Rights Complaint Mechanism; the *“Maisha Yetu”* project for Persons with Albinism in Tanzania and the Clarity program for an accountable, transparent and well-governed extractive industry, protecting the rights of the most vulnerable

groups in Northern Tanzania's extractive industry. Mr. Merel also expressed his hope for more partnerships and collaborations; and finally, he expressed his curiosity on the status of BHR in Tanzania and the EU's readiness to work together with stakeholders on the BHR agenda.

## 2.2 Opening Speech

The CHRAGG Chairman, Hon. Mathew P. W. Mwaimu, officially opened the conference. In his highlights, the Chairman started by warmly welcoming participants and expressed his belief that invited participants had comprehensive knowledge and expertise to share on the way mega infrastructure projects and other businesses activities impact human rights.

He thanked the European Union for funding the project on *"Improving Monitoring, Research and Dialogue on Business and Human Rights in Tanzania"* and for attending the project's closing multi-stakeholder conference.



Picture Na. 2: Hon. Mathew Mwaimu CHRAGG Chairman delivering opening speech during the multi stakeholder conference in Dar Es Salaam on 17<sup>th</sup> February, 2021

The Chairman was grateful to the UN Global Compact and representatives from other international organizations, development partners and embassies for participating in the conference that deliberated on a roadmap for the implementation of the United Nations Guiding Principles (UNGPs) on BHR in the country. He was sincerely confident that participants would share and make use of knowledge accumulated through experiences, field work, real-life engagements and readings on BHR to improve monitoring, research and dialogue on BHR by applying the "Protect", "Respect" and "Remedy" Framework to address human rights challenges posed by transnational corporations and other business enterprises.

Hon. Mwaimu extended his gratitude to the CHRAGG team of experts on BHR and project partners from BHRT and IPIS for their joint efforts in implementing the project and for inviting

him to grace the opening of the Conference. He pointed out notable project achievements by CHRAGG which included development of an Improved Complaints Management Information System (CMIS) accessible by the general public through CHRAGG website, email, a mobile App and a Short Message Service (SMS); fact-finding missions on reported human rights violations on land disputes and environmental human rights impacts; and mediation initiatives as a means of remediating issues of compensation for loss of land and a labor dispute.

Hon. Mwaimu went on with his speech by calling upon conference participants to strategize on the best road map towards the process of preparing the National Action Plan (NAP) on BHR as per National Baseline Assessment (NBA) recommendations. He emphasized that the conference was a learning process and it would enhance knowledge of the strengths and weaknesses of national and international frameworks in the implementation of the UNGPs.

The Chairman also emphasized on the CHRAGG commitment to promote and protect human rights and its readiness to cordially work with the Government, civil society organizations, the business community and the general public on issues related to impacts of business activities. He called upon the government and the business community to work together on providing effective remedy to victims of human rights abuses due to business activities. He re-emphasized that there was still a lot of work to do on improving monitoring, research and dialogue on BHR in Tanzania. The Chairman expressed his expectations that the conference resolutions would guide all stakeholders in implementing international, regional and national commitments on Business and Human Rights. He further stated that CHRAGG is strategically placed at the national level to push for implementation of human rights standards as per national legal frameworks and adopted international and regional systems. He noted that CHRAGG is both National Human Rights Institution (NHRI) and the Office of the Ombudsman established under the Constitution of the United Republic of Tanzania, 1977 and the CHRAGG's Act Cap 391 in compliance with the Paris Principles.

Lastly, Hon. Mwaimu expressed his expectations that conference recommendations would help in implementing obligations to protect human rights and supporting companies on their

obligation and responsibility to respect human rights. Finally, the chairman declared the Third Annual Multi-Stakeholder Conference on Business and Human Rights in Tanzania officially opened.

### 3. SESSION II: PRESENTATIONS ON PROJECT ACTIVITIES HIGHLIGHTS

The session aimed at highlighting some of the key aims and achievements in the project: “Improving monitoring, research and dialogue on Business and Human Rights in Tanzania”. As presented by Ms Jovina Muchunguzi from CHRAGG, the project’s general objective was to build local and national capacities for improved reporting, fact-finding, monitoring and follow-up of corporate human rights activities in order to enhance protection, prevention, accountability and remedy, with particular attention to vulnerable groups. The project’s specific objectives were to give a stronger voice to local communities to end the underreporting of corporate human rights incidents; to fill existing data gaps regarding the scope, scale and nature of the corporate impact on human rights and to build and improve evidence-based multi-stakeholder dialogues on BHR in Tanzania. As such, the project implementing partners engaged with different stakeholders in three main areas namely **Research, Monitoring and Dialogue**.

In the session, presenters from CHRAGG, BHRT and IPIS shared with conference participants the status of implementations of project activities in those three main domains. Presenters from IPIS covered the research part of the project. BHRT focused on the dialogue component

and its activities on providing legal aid, while CHRAGG



*Picture Na.3: Participants following presentation sessions during the multi stakeholder conference in Dar es Salaam on 17<sup>th</sup> February, 2021*

presented its activities in monitoring and research, as well.

### **3.1 Presentation I: CHRAGG interventions in Research and Monitoring of Corporate Human Rights impact**

#### **3.1.1. Research**

That topic was presented by Mr. Constantine Mugusi from CHRAGG. Mr Mugusi highlighted the key results and achievements of the study conducted by CHRAGG in October, 2018 on Labour Rights and Access to Remedies in Fish Processing Industries in Mwanza City. The study was part of the project's first "Voices from Tanzania" series<sup>1</sup>, which is a central element of the project's research activities. CHRAGG study was first presented during the first multi-stakeholder conference<sup>2</sup>. Mr Mugusi summarized the study's major findings, being (1) non-compliance with labour laws and (2) limited knowledge on business and human rights related issues. Through the study, achievements were made in terms of capacity building and understanding on the use of both judicial and non-judicial grievance handling mechanisms and increased ability to analyze key challenges and evolutions on business and human rights.



*Picture No. 4: Mr. Mugusi from CHRAGG team on BHR highlighting on the key project activities during the conference on 17<sup>th</sup> February, 2021*

In order to improve monitoring of corporate human rights harm, CHRAGG contributed to three key activities: fact-finding, mediation and an update of its official human rights complaint handling mechanism.

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<sup>1</sup>See <https://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-1/>, 24<sup>th</sup> April, 2019

<sup>2</sup>See <https://ipisresearch.be/multi-stakeholder-dialogue-business-human-rights-tanzania-identifies-land-rights-environment-priority-topic/>, 17<sup>th</sup> April, 2019

**3.1.2 Monitoring: Fact-Finding Missions**

Participants were informed that in 2019 and 2020, six missions were conducted by investigative teams of CHRAGG. Team members from BHRT joined in two cases. The missions aimed at investigating and gathering facts on claims of corporate human rights harm resulting in land or environmental issues. Information gathered were used to formulate recommendations for follow-up, in order to ensure remedy in cases of harm.

**1. The mission on the Land Disputes and Environmental Management at the Kilombero Valley (Morogoro region)**

A joint CHRAGG and BHRT Team visited the Kilombero Plantation Limited (KLP) rice pad at *Mngeta, Ijia, Luvirikila, Isago, Lukoromgo and Mkangawalo villages* around Kilombero Valley to gather preliminary information on the complaints voiced through media and by individuals on KPL activities. The issues that were reported included: procedures of acquisition of land, fair and prompt compensation and resettlement; environmental mismanagement and pesticide (herbicide) drift; unsatisfactory implementation of corporate social responsibility by KPL and KPL failure to employ local community members.

**Key Findings:** The fact-finding mission revealed neither irregularities in the land acquisition process nor unfair and untimely compensation paid to communities. The Tropical Pesticide



*Picture Na. 5: Fact finding team taking notes from villagers during the mission in At Ijia Village in Kilombero 1<sup>st</sup> August, 2019*

Research Institute (TIPRI) did not find conclusive evidence that aerial spray of herbicide by KPL

in 2009 damaged crops of villagers around KPL farms. At some places people were however dissatisfied with how the matters were resolved.

**Recommendations:** It was recommended that villagers around the Kilombero Valley prepare land use plans with the assistance of relevant Local Government authorities and Land Use Management Commission of the Ministry for Land and Urban Development. Those plans would help reduce land disputes. Community awareness raising on land rights and regulation was much needed in the area. The Kilombero District Council and Office of the District Commissioner should intervene in disputed compensation and resettlement issues.

## **2. The mission on the Land Disputes Between Communities in Wedo Village and Stigmatine Fathers at Kisanga Ward, Kilosa District (Morogoro region)**

The mission focused on establishing the facts and circumstances of alleged land related human rights violations Between residents of Mbala Hamlet, Wedo village, Kisanga Ward and Missionaries of Stigmatine Fathers, both located in Kilosa District. The villagers complained that Stigmatine Fathers have trespassed into village land thus left them without land to cultivate crops for their subsistence. Likewise, Stigmatine Fathers have denied the allegation by the villagers claiming that they had a valid title. The fact-finding mission examined underlying issues of a dispute of land under Certificate Title (CT) No. 13188-LO NO 15108 owned by Stigmatine Fathers and whether Wedo Villagers had trespassed into the land. That conflict persisted for many years regardless of the efforts taken by different government authorities.

**Key Findings:** Stigmatine Fathers is the lawful owner of land with Certificate of Title (CT) No. 13188- LO No. 15108 measuring 1230 acres in Wedo Village, Villagers in Mbala Hamlet comprised 48 households with a total of 166 residents (men 81 and women 85) had trespassed into part of land; The size of the disputed land alleged to had been trespassed by villagers had never been established in spite of the several attempts made by the Kilosa District Authorities and the Ministry responsible for land; Wedo village with a total number of 1039 residents (women 479 and men 560) was not registered and had no enough land to support the total

population as it is a small village surrounded by National Forest Reserves; and Stigmatine Fathers was not fully utilizing the land that remained unfenced and its boundaries are not clearly identified.



*Picture Na. 6: CHRAGG Mission team in group picture with Village leaders at Wedo village Office, during the fact finding mission in Kilosa District Morogoro Region 16<sup>th</sup> April, 2020*

**Recommendations:** The Ministry of Lands, Housing and Human Settlement to re- review the land owned by Stigmatine Fathers to see whether there is room for revocation of ownership of some part of the land in order to allocate it for Wedo Village in accordance with the procedures and requirements of the government land ownership laws. Further, the President’s Office Regional Administration and Local Government was recommended to survey the size and boundaries of Wedo Village to see whether it qualifies to be registered as a village so that it can make formal application for registration.

### **3. The mission on Investigation into the Impacts of Uranium Exploration on the Rights of Communities Around Mkuju River in Namtumbo District (Ruvuma region)**

The CHRAGG received two separate complaints in July 2018 and June 2019 from two Tanzanian NGOs: BHRT and Lawyers Environmental Action Team (LEAT). The two complaints were merged because both referred to human rights violations by Mantra (T) Ltd resulting from their *in-situ* leaching mining method; procedural impropriety in the preparation of Environmental and

Social Impact Assessment (ESIA); communities uninformed on the adverse impacts of uranium exploration and mining and related health risks; procedural impropriety in the acquisition of village land; absence of UNESCO consent for investing into Selous World Heritage site; failure to honour corporate social responsibility promises; and restrictions of entry and movement of communities into areas around Mkuju River.

**Key Findings:** The mission revealed that the uranium mining company, Mantra (T) Ltd obtained all necessary prospecting and ESIA licenses as required by the laws of Tanzania. A wide range of stakeholders were consulted in the preparation of the ESIA, including Government ministries, departments, and agencies, national and international NGOs and village councils. Mantra (T) Ltd got permission to invest within the World Heritage Site through the Government of Tanzania whose laws do not prohibit investing in heritage sites<sup>3</sup>.

Due to the absence of medical reports and radiation expert reports, the CHRAGG could not confirm that health complications were caused by the uranium exploration activities. The investigation also confirmed the legality of the land acquisition by Mantra (T) Ltd. The mission also found out that communities had insufficient knowledge on labour rights; health and safety issues; workers compensation; land rights and laws on land and minerals. CHRAGG concluded that the complainants did not fulfill sufficient investigation into the matter before filing the complaint with CHRAGG.

**Recommendation:** It was recommended that, the regional government in Ruvuma and Namtumbo District Authority should work to make the communities aware of the investments and investors in their community, including communities' rights and obligations and benefits as far as investments and investors are concerned. The Ruvuma Regional Commission (RC), was advised to direct the Tanzania Mineral Mining Trust Fund (TMMTF) on the proper handling of

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<sup>3</sup>The Mining Act and regulations thereto, the National Parks Act, the Forest Act, the Tanzania Investment Act (Cap 38, No. 26 of 1997), the Wildlife Conservation Act, the Environmental Management Act, and the Tanzania Extractive Industries Act (No 23 of 2013).

community issues through appropriate mechanisms without compromising national legal frameworks and National policy guidelines.

#### **4. The mission on the impacts of Williamson Diamond Limited Mining Activities’ on the Rights of Villagers in Kishapu District (Shinyanga Region)**

The complaint was about business related conflicts between Williamson Diamond Limited (WDL), its subcontracted Security Company (Zenith Security LTD) and communities from seven (7) surrounding villages including Masagala, Ikonongo and Maganzo Centre (Luhumbo Ward) and Buchambi and Buganika (Mondo Ward), all in Kishapu Districts. The communities alleged that they were intimidated by Williamson’s security contractor from conducting mining activities and using their land for farming, cattle rearing, house construction and accessing fire wood. These actions precipitated conflicts that led to insecurity and occurrence of death, injuries, sexual violence and rape. There were also complaints about compensation and resettlement by villagers of “kitongoji cha” Ikonongo in Ikombabuki village from their land grabbed by El Hilal Mining Company, operating close to WDL.



*Picture Na. 7: CHRAGG Fact Finding Team identified a 15 year-old boy at Buchambi village, Kishapu District- Shinyanga Region who was injured by the security armed guard after allegedly trespassing onto the mine area, 30<sup>th</sup> July, 2019.*

**Key Findings:** The mission revealed that the WDL mining activities and processing operations located far from any village, but its mine lease area is used by members from surrounding

villages for artisanal diamond mining, farming, cattle grazing, water supply and wood supply. The police and security company guards did not only arrest invaders, but they were also found to take the law into their hands by beating trespassers and raping and violating women instead of referring them to the responsible law enforcing organs. Some of the victims were beaten to death and others left with permanent disability such as losing body parts like legs, arms, limbs and eyesight.

The fact-finding team also found out issues of land compensation not being paid by El Hilal Company Limited regardless of a series of follow-ups made to the office of the District Commissioner. Furthermore, Community members still claimed that they had been denied the right to free, prior and informed consent during decision making on mineral exploitation, monitoring and recovery of their lands damaged by mining.

**Recommendations:** It was recommended among others that the Police Force and Zenith Security guards should comply with procedures as provided under the Criminal Procedures Act (CPA) and other legislative frameworks; Villages should prepare land use management plans and register them as per procedures of the Local Government Act (District Authorities Act) and the Village Land Act (1999); Incidences of human rights violations should be reported to appropriate complaints handling mechanism, including the CHRAGG, the courts of law, and paralegals; El Hilal Company Limited should comply with National and International Corporate Social Responsibility legal frameworks; and should be provided human rights education.

### **5. The mission on Land and Environmental Rights Around Bulyanhulu Gold Mine in Kahama District (Shinyanga region)**

In response to a complaint reported to CHRAGG by LEAT, this fact-finding mission aimed to collect preliminary information on the impacts of mining investments on land and the environment rights of the communities of six villages near Bulyanhulu Gold Mine.

**Key Findings:** The mission revealed that at the time of first exploration of the site, legal frameworks did not yet provide for the compensation for land acquired for mining purposes.

All subsequent land acquisitions for expansion of mining activities were conducted in compliance with the existing legal frameworks. The remaining issue in dispute was unfair compensation. The matter was also presented to the District Commissioner who referred it to the Minister for Minerals. Mediation started in 2017 but later the Ministry ordered for the process to stop. Since then, no processes for settling the dispute have taken place.

**Recommendation:** It was recommended to fully investigate mining activities around six villages of Bulyanhulu Ward.

#### **6. The mission on the Extent to which Investors and Suwa and Mkomba Villages Leaders in Handeni District Complied with Business and Human Rights Standards in Acquisition of Land for Investment (Tanga region)**

This complaint was filed to CHRAGG by one villager from Lukolonge hamlet within Suwa village (Handeni District) on behalf of other villagers claiming against Suwa Village leaders and Handeni District administration for allegedly allocating village land to A to Z (currently Hiragro Co. Ltd) without consulting Lukolonge residents. Villagers also complained against the failure by the investor (Hiragro Co. Ltd) to implement Corporate Social Responsibility (CSR) promises.



From the complaint filed, CHRAGG found it prudent to also look on the compliance of labour rights and employment standards by the investor.

*Picture Na. 8: The mission team verifying documents with the management at Hiragro Company Ltd in Handeni District, 3<sup>rd</sup> August, 2019*

**Key Findings:** It was found out that community consultations took place during the allocation of land for investment and that currently, the implementation of CSR initiatives improved relations between Hiragro Company and Suwa and Mkomba villages. In terms of labour rights and employment, it was discovered that Hiragro Company lacked company level dispute resolution mechanism. Workers normally refer their complaints against the company to the village leaders and, or directly to the Commission for Mediation and Arbitration (CMA).

**Recommendations:** It was recommended that the Occupational Safety and Health Authority (OSHA) and the Labour Officer regularly monitor compliance with labour rights and employment; Communities should always be engaged in designing and implementing CSR projects; The Regional Labour Office should perform its legislative functions to ensure compliance with labour standards, especially regarding employees contracts; The management of Hiragro Company Ltd was advised to establish a company-level dispute resolution mechanism.

### ***3.1.3 Monitoring: Mediation Initiatives***

The CHRAGG mediated two disputes: (1) The labour dispute between a complainant and Pangea Mineral Limited Buzwagi Project and (2) a dispute on underpayment of land compensation between 71 residents of Nyamatagata hamlet of Nyakabale in Geita Region and Geita Gold Mining Company. The mediations were conducted after investigation by the Commission led to an option of resolving the issues by mediation.

#### **1. Mediation on Land Dispute -Dar es Salaam**

The mediation was between a former employee and Pangea Minerals Limited Buzwagi Project, situated in Kahama District, Shinyanga region. The human rights issue noted was a claim for terminal benefits that had not been paid. The complainant lodged a complaint before CHRAGG on 2<sup>nd</sup> November, 2018. The complainant was aggrieved and appealed against the decision before the Commission for Mediation and Arbitration (CMA) where he was unsuccessful on ground of limitation of time. An appeal before the High Court of Tanzania-Labour Division for revision was also unsuccessful on the same ground.

After a failed legal battle, on 18 July 2015, the Complainant and his former employer, Buzwagi Gold Mine entered into a voluntary Deed of Settlement. The Complainant approached the Commission accusing his former employee of failure to honour some of the terms of the Deed of Settlement. The mediation took place on February, 2021 at Dar es Salaam. The dispute was mediated by two co-mediators, both Commissioners of the CHRAGG, Hon. Nyanda J. Shuli and Dr. Thomas P. Masanja, Members of Secretariat and Technical Team, witnesses X1-X5.

After thorough discussion, parties still failed to agree on the amount of salary compensation. CHRAGG, therefore, recommended to the Respondent (Buzwagi Gold Mine) to re-compute payment of salaries compensation and pay the difference to the complainant.

## **2. Mediation on Land Compensation- Geita**

In the second case, over 70 residents of Nyamatagata in Geita Town Council submitted a complaint before the CHRAGG against Geita Gold Mine for failure to pay compensation for loss of lands and developments on lands in 2004. The complainants said they were not consulted during their land acquisition procedures, and that they were under compensated contrary to the laws. The complainant brought the claim before CHRAGG after they had in vain sought remedies from the Ministry responsible for lands and from District and Regional authorities. During the mediation, a representative of Nyamatagata residents met with representatives from the respondents (Geita Gold Mine).

CHRAGG Mediators were Hon Mohamed Khamis Hamad (CHRAGG Vice Chairman) and Hon. Dr. Fatuma R. Khalfan (CHRAGG Commissioner), supported by members of CHRAGG's Secretariat, Technical Team and Mwanza Branch Office. On February 10th, 2021 the team visited the site of disputes in Nyakabale village. Investigation showed that the land was properly acquired by Geita Gold Mine. The land was valued as per requirements of the Land but the valuation was carried out in 2004, while residents were paid only six years later, in 2010, with an addition of 5% interest for payment delays. CHRAGG reported the concerns of 1 resident who was not compensated to Geita Regional authority for further actions. CHRAGG concluded that this dispute could not proceed to mediation. The team instead educated the complainants on the

legal procedures for acquisition of lands. The complainants concurred and a concession document was prepared and signed between the complainants' representatives and the CHRAGG.

#### ***3.1.4 Monitoring: CHRAGG's Human Rights Complaints Management Information System (CMIS)***

This part of presentations from CHRAGG was led by Engineer Manyiri Isack, Head of CHRAGG ICT Unit. He focused on: Country ICT Profile Overview, CHRAGG ICT Governance, the Old CMIS and its challenges, the New CMIS and Improved Areas, Key Achievements, Challenges Ahead and Major Strengths. The presenter informed participants that, since 2014, CHRAGG has been operating a system through which the public can lodge complaints related to violations of human rights and or contravention of the principles of good governance. He outlined challenges of the old system: it was only accessible at the CHRAGG's Headquarters and not available at branch offices; it had no interface for the general public; it did not provide an interface for complainants to lodge and track complaints; the Complaints Management and SMS systems were not integrated; it provided for only one type of SMS and had no interactive or digital interfaces (e.g. app for smart phone users); it did not reflect organizational structure change; it did not allow categorization of incidences (e.g. by gender, location and period); and security rules and standards were not well-defined in terms of data recovery in the event of system failure or attack.

In comparison, the new CMIS takes into consideration the current CHRAGG organizational structure; it is inclusive (designed for both CHRAGG staff and the general public to access), fully web-based and accessible at all CHRAGG offices, it provides for a web interface for the public through CHRAGG website ([www.chragg.go.tz](http://www.chragg.go.tz)); it has interactive, user friendly and mobile money interface (available at \*152\*00# then 9) and a Mobile App. Security issues have been addressed and continuity in the event of a network or system network failure and/or disaster is ensured. The new CMIS enables generation of customized reports based on complaint type, right violated, location, CHRAGG office, interface type (web, mobile, mobile app, manually registered), special groups, weekly and monthly basis. It provides a dashboard that shows a

summary of New, Accepted, Approved, Ongoing, Out of Jurisdiction and Closed cases and includes an aspect to identify *suo-moto* cases.

The presenter further indicated that, although the system itself still had its challenges, awareness campaigns are key to the success of the system in two ways namely: teaching the general public on how to lodge and track complaints, and enabling the complainants to know which types of complaints can be investigated by CHRAGG. It was highlighted that members of the public, including companies, were already sensitized on the use of the new system in Arusha, Mwanza, Dar es salaam, Lindi and Mtwara regions. Similarly, in Zanzibar awareness campaigns were conducted in North Unguja and South Unguja, North Pemba and South Pemba regions. Here, public meetings in areas surrounding investments and company-level indoor meetings with workers and management staff were held in the selected industries/companies. Awareness campaigns through both electronic and print media were also conducted. Those included featured articles in Habari Leo and Daily News from February-April, 2021, live CHRAGG' CMIS programme aired through Ndago TV in Arusha and ITV in Mwanza, and distribution of brochures.

The presenter highlighted that more awareness is still needed and also that more funding in ICT is required for improving infrastructure and evolving the system to capture issues which were part of the scope. CHRAGG staffing would also have to be enhanced as more complaints would be received.

Finally, the presenter identified major strengths of the new CMIS. It was pointed out that there is great potential for the citizens of Tanzania to use CMIS in reporting and tracking human rights complaints. ICT sector performance demonstrates consistent government efforts in promoting and improving national networked readiness; and ICT is among the top 10 fastest growing sectors in Tanzania. It is rapidly bridging the digital divide gap.

### **3.2 Presentation II: BHRT's interventions on Legal Aid and Dialogue**

Ms. Rose Ugulumu presented some highlights of BHRT's contribution to the project, including actions on providing follow-up to claims of human rights grievances via legal aid and work on organizing dialogues between different stakeholder groups. Besides these 2 specific activities, BHRT contributed to fact-finding campaigns (see 3.1.2) and Research activities (see 3.3).

#### ***3.2.1 Legal Aid Programs***

Besides revealing instances of corporate human rights harm through fact-finding missions, the protection of basic rights requires making sure people are aware of their rights and have access to justice / remedy for harm done. To realize this, BHRT set up a campaign to provide legal aid to communities where specific needs were identified during previous fact-finding missions into corporate human rights harm. The presenter from BHRT, Ms. Rose Ugulumu, started her presentation by stating the main objectives of the implemented activities on awareness raising and legal aid as giving voice to affected communities, protecting their rights and building on how they can use available mechanisms to access remedies in cases of human rights harm.

To achieve this, BHRT implemented several activities, including:

- i. Internal capacity building for legal aid provision;
- ii. Developing awareness raising publications, with a focus on human rights, legal aid, land and environmental rights;
- iii. Establishing a toll free call center for the public to express their concerns on human rights and particularly business-related human rights abuses. Two mobile phones lines were set up by BHRT for remote legal aid and advice. Affected communities can call or send messages to these numbers: 0672 189 192 for calling and 0756486233 for messaging;
- iv. Disseminating written awareness tools and conducting 6 live awareness sessions on community radio stations in 2 priority areas of Kahama (Shinyanga) and Kilombero (Morogoro); and
- v. Providing legal aid services to a total of 419 persons.



Picture No. 9: BHRT awareness raising on legal Aid at community radio stations in Kahama and Kilombero- BHRT Photo Library February, 2021

Ms. Ugulumu concluded her presentation by recommending that the existing knowledge gap on human rights and business and human rights in particular needs to be filled, that publications on human rights are still needed by the public, and there is need for establishing and using effective grievance handling mechanisms.

### **3.2.2 Dialogues**

Ms. Ugulumu pointed out that, in the framework of this project, multi-stakeholder conferences and bilateral consultations were held to enhance dialogues on business and human rights issues within and between different stakeholder groups. The ultimate aim of these dialogues is to jointly push forward the agenda on BHR in Tanzania. Two multi-stakeholder conferences were conducted before the current one. The first conference was conducted in Dar es Salaam, March 2019, the second one was conducted in Dar Es Salaam in February, 2020. Key stakeholders in the Multi-Stakeholder Conferences were Government's, Civil Society Organisations', Community members' and Businesses' representatives.

Besides that, three bilateral consultative workshops were held, two with members of the business community and one with members from civil society organizations. A bilateral meeting with the Ministry of Constitutional and Legal Affairs was conducted by CHRAGG, to discuss the topic of a National Action Plan on BHR.

The dialogues raised awareness on Business and Human Rights (BHR); stimulating discussions about BHR; obtaining feedback about the status of the implementation of human rights from different stakeholders; Self-reflecting and lesson learning; and building strong networks among various stakeholders. Finally, Ms. Ugulumu shared general challenges that remain.

### **3.3 Presentation III: interventions on Research (IPIS)**

IPIS was represented by Mr Elard Mawala during the final multi-stakeholder conference, while colleagues based in Belgium had to participate online in the conference online due to Covid-19 measures. In collaboration with CHRAGG and BHRT, IPIS coordinated two key research activities under this project, the “Voices from Tanzania” field-based case studies by Tanzanian civil society organization and the publication of a quarterly briefing providing a regular update and overview of the status of BHR in Tanzania.

#### ***3.3.1 Voices from Tanzania***

The presenter informed the participants that the “Voices from Tanzania” series aimed to gather information at the grassroots level and “give a voice” to those affected by corporate human rights abuse in Tanzania. In this activity, civil society organisations that are firmly rooted in local communities are engaged to conduct field-based research to unearth information at community level on specific cases of corporate human rights harm. Selected organisations receive financial, methodological and editorial support in conducting research and writing a report detailing their key findings and recommendations. This includes training on “research and report writing” and intensive guidance during the editorial process. In this way, three volumes of “Voices from Tanzania” have been produced during this project:

- Volume 1 presents 5 BHR case studies from different industry sectors (Agribusiness, Tourism, Extractives and infrastructure)
- Volume 2 brings 4 studies into BHR cases related to land rights and environment (annual theme 1)
- Volume 3 presents 5 studies on the impact of large-scale infrastructure projects (annual theme 2, see 4).

All “Voices from Tanzania” publications are available via <https://ipisresearch.be/home/capacity-enhancement/voices-from-the-south/voices-from-tanzania/>

### ***3.3.2 Quarterly Briefings on Business & Human Rights in Tanzania***

IPIS, with the support of BHRT, developed quarterly briefings that present an overview of published news, articles and reports on business and human rights in four major economic sectors in Tanzania: resource extraction, agriculture, tourism and infrastructure. The briefings aimed to inform on recent events, trends, challenges and opportunities regarding business and human rights in Tanzania and are disseminated digitally to a national and international audience and via hard copies through BHRT and CHRAGG’s national networks.

All Quarterly Briefings on Business and Human Rights are available via <https://ipisresearch.be/briefings/tanzania-briefing/>

## **4 SESSION III: “VOICES FROM TANZANIA” –CASE STUDIES ON BUSINESS AND HUMAN RIGHTS (VOLUME 3): “HUMAN RIGHTS IMPACT ON LARGE-SCALE INFRASTRUCTURE PROJECTS”**

Brief presentations were made on findings of the five scoping studies in the third series of “Voices from Tanzania”<sup>4</sup>. These studies investigated: (1) the Impact of the East African Crude Oil Pipeline (EACOP) on human Rights and Environment (by Pilot Light Development Organisation - PILIDO); (2) Business and Human Rights Footprint in the Construction of Regional Rusumo

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<sup>4</sup>Full publication available at <https://ipisresearch.be/publication/voices-from-tanzania-case-studies-on-business-human-rights-volume-3/>

Falls Hydroelectric Project (RRHP) in Ngara District (by Governance Links Tanzania); (3) The Impact of Rural Energy Supply Infrastructure Projects in Mwanza region on Human Rights (by the Tanzania Chamber of Commerce, Industry and Agriculture – TCCIA); (4) Human Rights and Citizen Participation in the Tanzania Strategic Cities Project: Case Studies from Arusha and Dodoma (by Foundation for Environmental Management and Campaign against Poverty -FEMAPO); (5) and Large-scale Infrastructure Projects in Tanzania and their Impact on Human Rights: Case of the Dar es Salaam-Moshi Railway Renovation Project in Mwanza and



Moshi Urban Districts, Kilimanjaro Region (by Action for Justice in Society - AJISO).

*Picture No. 10: Team of voices Volume III listening attentively on the posed issues from the audiences during conference on 17<sup>th</sup> February, 2021*

#### **4.1 Study 1: The Impact of the East African Crude Oil Pipeline (EACOP) on Human Rights and Environment of Agro-Pastoral Communities in Kiteto District, Manyara Region, Tanzania by Pilot Light Development Organization (PILIDO)**

The presenter started by describing the EACOP project, a crude oil pipeline infrastructure development covering 1,443 km of which 296 kilometers in Uganda and 1,147 kilometers in Tanzania. It is said to be the longest electrically heated pipeline in the world. In Kiteto District (Manyara region), EACOP would cover 113 km and would affect the 7 villages of Mutikira, Ndorkon, Ndaleta, Orpopong'i, Kimana, Amei, and Loolera. Four of those villages - Ndorkon, Amei, Orpopong'i and Loolera - were the focus of this study. The presenter highlighted that Kiteto District had been marred by land pressure and land use conflicts between pastoralists and farmers due to struggles to get land for pasture and farming activities. EACOP would

potentially increase pressure on depleted resources and threat to basic rights of pastoral communities.

The study aimed to assess the impact of the EACOP on the socio-economic, human and environmental rights in the said 4 villages, to raise awareness on the issues faced by agro-pastoral communities in large-scale infrastructure projects and to share recommendations on how to promote and protect human rights in affected villages. Key questions of the study were how are socio-economic, human and environmental rights potentially affected by EACOP project? and (2) What is done by EACOP to mitigate these risks and is this sufficient? Data gathering methods included questionnaires, focus group discussion, observation. Secondary data were acquired through past activities and existing strong networks with target communities.

**Key Findings:** The study found out that communities fear for loss of natural resources e.g. grazing lands, homesteads, peace and prosperity, livelihoods, socio-cultural and spiritual traditions, health and family security. This fear is not fully captured in the EACOP risk assessment studies and mitigation plans. That two main shortcomings were identified: Firstly, there was a lack of in-depth knowledge about the study area, the communities and their livelihoods and traditions. Without more tailored mitigation measures, based on the unique contexts of local communities, the EACOP would cause significant losses of livelihood assets upon which pastoral communities directly depend. Secondly, stakeholder engagement, consultation and information-sharing seemed insufficient. Other issues identified were inadequate information sharing with affected communities, lack of just compensation based on current market value, and a stream of income' beyond initial compensation.

**Conclusions:** Management plans addressing project impacts should be contextualized and adapted to the local situation, and communicated in a transparent way to all stakeholders. Foreseeable difficulties and challenges with implementation, mitigation and monitoring are likely if broad community consultation and disclosure of information are not taken seriously, and if trust is not built with affected communities.

**Recommendations:** Promotion and protection of land tenure security and land use planning especially among agro-pastoralist communities; land-related livelihoods should be considered during land acquisition and should be part of effective monitoring plans during implementation of investment projects; adequate programming to address environment degradation and habitat loss, local communities consultation and engagement at every project phase; compensation modalities for lost properties, resources and opportunities should be adequate and calculations should be updated; public Consultation and public disclosure of information should be improved to ensure maximum community participation and awareness; energy supply projects should consider their impact on climate change. The Government of Tanzania should consider giving a percentage of annual generated pipeline income to affected communities.

#### **4.2 Study 2: Business and Human Rights Footprint in the Construction of Regional Rusumo Falls Hydroelectric Project in Ngara District-NW *by Tanzania by Governance Links***

Rusumo Falls are found on the Kagera River at the Burundi/Rwanda/Tanzania border. The 80MW Regional Rusumo Falls Hydroelectric Project (RRFHP) is being built to address electricity shortage in Burundi, Tanzania and Rwanda. It is expected to provide 27 MW for each member country's national grid. The World Bank finances USD 340 Million for the Power Plant and the African Development Bank finances USD 128.6 Million for the Transmission Lines. In Tanzania, most project activities for the RRFHP would take place in Ngara District, Kagera region.

The overall objective of the study was to assess how the Tanzania section of the RRFHP was complying with the UNGPs on BHR, and specifically the compliance of human rights due diligence. A mixed-methods desk-based case study was used. The study was conducted in two phases: Phase 1 consisted of a guided tour to the project site at Rusumo and 8 surrounding villages early February, 2020. Phase II was managed through remote communication between June and July, 2020. Information was obtained from 45 community members (25 females and 20 males) through mobile phones interviews, e-mail consultations with the Nile Basin Initiative

Management, technical teams at Rusumo Power Company Limited (RPCL) and Civil Society Organizations. Methods and techniques used were adapted to COVID-19 preventive measures.

**Key findings** of the study are:

- **On Human Rights Due Diligence:** the study indicated that, the construction of the RRFHP went through the World Bank Environmental and Social Framework screening. In this way, the project also complied partly with processes to ensure human rights due diligence as recommended by the UNGPs on Business and Human Rights. The project identified several actual and potential rights impacts and took measures to prevent them. However, gaps were identified in terms of impact mitigation and reporting.
- **On Economic rights:** The project enabled implementation of Local Area Development Plan (LADP) -Water supply, Improving agricultural production, Bee keeping and Upgrading Remela FDC to Vocational Training Centre. 290 Tanzanians are employed (87% of employment), mostly as casual laborers and technicians. New businesses are created: Catering, Cleaning, Security guards, Transport, Repair work, Provision of goods and petty businesses.
- **On Environmental rights:** Noise pollution, air and water pollution and earth vibrations during the construction of the core power plant have been observed. Noise pollution is expected from turbines once the plant is operational.

**Conclusions:** Overall, the project's human rights footprint was most significant on economic rights of communities, particularly on land and livelihoods. Negative footprints on health and environment were sufficiently addressed. The RRFHP provided a useful learning point for corporate responsibility in complying with the UNGPs.

**Recommendations:** The RRFHP is an opportunity and living laboratory for CHRAGG and other regulatory institutions to accelerate popularization of the UNGPs on Business and Human Rights across stakeholders in Tanzania; CHRAGG as a frontline institution to provide methodological support to local government authorities to engage with multi-stakeholders in compliance monitoring; A "whole government" approach is necessary for engaging corporate

sector units involved in infrastructure projects to roll out proper due diligence procedures in alignment with UNGPs on Business and Human Rights and compliance monitoring; corporate institutions and networks should adopt strategies for due diligence through effective implementation of codes of conduct and contractual provisions as primary entry points to alignment with the UN framework. The surge in investments in mega infrastructure projects calls for urgent consideration on establishment of a national framework on business and human rights aligned to the UN Guiding Principles on Business and Human Rights.

**4.3 Study 3: The impact of Large-infrastructure projects on Business and Human Rights: case of energy supply in Mwanza rural communities *by Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA)***

The study assesses the impact of businesses implementing power supply infrastructures in two rural districts of Mwanza region, Tanzania (Misungwi and Kwimba Districts). It specifically addressed the impact of the rural energy supply project on the human rights of communities in Fella and Mapilinga villages, in Misungwi district, and Shilanona and Isagala villages, in Kwimba district. As data on human rights due diligence of infrastructure projects in Tanzania was limited, the study aimed to contribute to the understanding of this topic, in order to raise voices for immediate action to respective communities.

The study sought to achieve the objectives by answering these key questions: (1) To what extent have contracting companies conducted human rights due diligence while implementing their projects activities in the targeted villages?; (2) To what extent are the targeted communities are aware of human rights and at what level have these rights been violated by the contracting companies?, and (3) Which procedures for redress or remedy exist and to which extent are communities aware of them?

**Key Findings:** The study found that human rights due diligence (HRDD) was not considered and complied with by implementing companies and that there was little awareness on the matters pertaining to HRDD. There was a significant lack of community awareness on issues pertaining to human rights and there has been allegations of violations of human rights, including acts of bribery and corruption, labour rights violations and inadequate compensations. It was also noted that an effective grievance mechanism is absent, limiting community members' right to access remedy and that communities were not aware of their rights to access remedy in case of corporate human rights harm.

It was **concluded** that lack of human rights due diligence by the project implementing companies, combined with the lack of awareness on human rights in rural communities in Mwanza region (Misungwi and Kwimba district), left communities vulnerable to harm.

**Recommendations** include: Business and Government stakeholders to ensure that the component of human rights is incorporated and streamlined in all infrastructure project contracts and awareness should be raised to ensure compliance and respect on HRDD. Legislation should be put in place to ensure human rights due diligence, during project designing, implementation and monitoring of all project activities. Community capacity building programs should be put in place to increase communities' awareness on matters related to business and human rights, including processes for submitting grievances and obtaining effective access to remedy.

#### **4.4 Study 4: Human Rights and Citizen Participation in the Tanzania Strategic Cities Project: Case Studies from Arusha and Dodoma, *Foundation for Environmental Management and Campaign against Poverty (FEMAPO)***

The "Tanzania Strategic Cities Project" (TSCP) is a large-scale infrastructure development project funded by the World Bank (WB) and implemented by the Government of Tanzania. The TSCP aimed at improving infrastructure and urban services in eight fast growing cities in Tanzania, which included Dodoma and Arusha. The project was important to the communities

of Arusha and Dodoma Municipals, as it would bring much-needed development and safety to the neighborhoods where it was implemented. However, to ensure that the TSCP effectively brings positive change and improved living conditions to its target communities, basic human rights needed to be considered in its implementation. Therefore, in the study aimed to investigate the protection of human rights and citizen participation in the implementation of TSCP project in 2 of its cities: Arusha and Dodoma. This study was trying to assess the following three aspects: (1) citizen participation and community consultation, (2) human rights impacts, and (3) access to remedy.

**Key findings:** The TSCP in Arusha and Dodoma observed a basic level of citizen participation and community consultations, protection of human rights and access to remedy. However, efforts are still required to improve the process of citizen participation and consultation as a way to ensure human rights protection/ impact mitigation and effective access to remedy. As key issues, we have identified: (1) although consultation meetings were organized, insufficient consideration was shown for the inclusion of different stakeholder groups; concerns were raised about fair compensation for property loss due to the TSCP construction works in Arusha; although a grievance mechanism was set up, lack of awareness and easy access for community members hamper its effectiveness.

**Conclusions:** Overall, the findings show it is important to create awareness in the communities to understand their basic human rights and how to defend and preserve these rights. The study conclude that citizen participation and human rights protection are key aspects in any infrastructure investment project.

**Recommendations:** The study insisted the need for creating awareness in the communities to understand and defend their basic human rights, and for the implementation of effective grievance mechanisms that are made easily accessible for community members. Citizen participation and consultation should involve a wide range of stakeholders. Access to information should be more easily available to the public.

#### **4.5 Study 5: Large-scale Infrastructure Projects in Tanzania and their Impacts on Human Rights: Case of the Dar es Salaam-Moshi Railway Renovation Project in Mwanga and Moshi Urban Districts, Kilimanjaro Region *by Action for Justice in Society (AJISO)***

The study was carried out in Mwanga and Moshi Districts, Kilimanjaro region, North Eastern Tanzania. The revival of the Dar es Salaam-Moshi railway is one of the large-scale infrastructure projects that has recently been carried out in Tanzania. Like similar projects potential negative implications for human rights are possible, affecting amongst others, workers' rights, the right to safe living and healthy conditions, environmental rights, and gender-related rights.

The study aimed to assess to what extent the renewal project of the Dar es Salaam to Moshi railway complied with human rights standards and the UNGPs on Business and Human Rights specifically. Key questions therefore were 1. What are the human rights violated in implementing the project? 2. What measures are taken by the Government for protecting the communities to ensure that human rights are not violated during the implementation of the project? 3. To what extent is the surrounding society aware of their rights and remedies available in case of violation?

A total of 40 persons (23 male, 17 female) were interviewed. Multiple research methods were applied, including phone-based/online interviews and one -to - one personal interviews, due to the COVID-19 pandemic and measures to prevent the spread of this disease.

**Key findings:** Some violations of workers' labor rights such as poor working conditions, low wages and working for more hours contrary to the law were identified. It was also noted that workers were not given protective gears such as masks and gloves. There were incidents of accidents that led to death and injuries of people and livestock. There were social and health effects linked to the project, such as outbreak of communicable and sexual transmitted diseases, matrimonial conflicts such as marriage breakdowns and child pregnancies. The project brought economic benefits such as reduction of transport costs, increase in trade and

employment opportunities for youth and women, and increase in capital gain as well as diversification of economic activities. It was also observed that, although the government raised awareness to local government officials so that they could in turn educate the community members, this knowledge was insufficient. The community members still have little knowledge about safety measures and procedures to follow to access remedies.

**Conclusion:** The Government put some measures in place to ensure that there was observation, respect and protection of Human Rights in investment projects. However, the actions taken proved not sufficient to make sure human rights violations were avoided during the implementation of the project.

**Recommendations:** It is imperative that, CHRAGG and its partners increase their efforts for raising awareness about roles, rights and remedies available in case of rights violations during the implementation of investment projects. The UNGPs on Business and Human Rights can be a guiding tool for the way forward. CHRAGG should also monitor activities of implementing companies/contractors.

#### **4.6 The Panel Discussion**

Representatives from the Government, Business, members from affected communities, CSOs and other conference participants had opportunity to react on the five presentations by commenting and asking questions to the five panelists who presented their *"Voices from Tanzania"* study. Specific questions were given in advance to guide the panel discussion.

##### **4.6.1 Guiding questions**

The guiding questions facilitated participants to react on the *"Voices from Tanzania"* presentations, based on their perspective and knowledge of the implementation of large-scale infrastructure projects (e.g. key challenges, what are some of the actions taken, opportunities in place). Other guiding questions addressed key concerns on human rights due diligence. For instance, participants focused on outlining concrete actions to ensure that human rights and good governance principles are well respected and protected during infrastructure

constructions projects. Community members and CSOs were asked to give their opinion on what is needed to make sure that people can obtain a solution (such as compensation) in case infrastructure operation results into corporate harms as well as giving their experience basing on their localities. They were also asked to highlight key solutions to improve the current situation.

#### ***4.6.2 Comments from Government, Business and Communities' Representatives***

Below are some of the key comments given by various stakeholders.

##### **1. Comments from the Ministry of Works and Transportation**

This was represented by Engineer Ladislaus Bigambo, a Ministry's Commissioner. He noted that the study on Arusha and Dodoma cities infrastructure improvement seemed to have not reviewed some basic project documents. It was pointed out that comprehensive review of the documents would have helped in responding to some of the study questions. He added that construction works take different stages mainly preparatory and implementation ones. This should be taken into consideration for a study to be realistic. He pointed out that it was possible for respondents to give different responses on the same question depending on the stage of the project implementation.



*Picture Na. 11: A Panelist from the Ministry of of works and Transportation responding to the voices presentations during the Multi stakeholder conference on 17<sup>th</sup> February, 2021*

He also wanted to know on which areas do World Bank guidelines (noted by the presenter) on due diligence differ from those on human rights. Finally, the Commissioner pointed out that the concept business and human rights was still new. He urged CHRAGG to engage with the responsible authorities at the initial stages of construction projects design so that human rights can be considered and incorporated.

## 2. Comments from Ministry of Energy

The ministry was represented by Engineer Innocent Luoga, a Commissioner. He acknowledged the study finding that the Rusumo Hydro Electric Power Project generally complied with UNGPs on BHR. He informed participants that on completion of the project, Kagera region, which is currently using electricity from Uganda, would be connected to the National Grid.



*Picture No.12: A Panelist from Ministry of Energy responding to voices presentation during the conference on 17<sup>th</sup> February, 2021*

He explained that before undertaking any project, studies are conducted to determine its impact. He mentioned that studies like Feasibility Study and Environmental and Social Impact Assessment are conducted before project commitment. These studies, among other things, take into consideration the planned project's impact on environment, health and security issues. He went on explaining that one of the important components normally addressed is management of expectations. Common expectations include employment for all and income increase. Those expectations are normally bigger than the reality turns out to be. He pointed out this is addressed by providing public education on the project's objectives and benefits through engaging the communities living around proposed project at different levels from national to village level.

He cited electrification projects in rural areas as good examples of communities' engagement. He stated that there are no conflicts between communities and project implementers because the former have consented to the projects. Most of the community members agreed on acquisition of their lands without compensation. As for the Uganda-Tanzania oil pipeline project, the Commissioner said that some of the statistics on the length of the pipeline and its traverse were not correct. He urged him to consult project documents to get up to date information.

### 3. Communities' representative comments

Mr Mahundi, a community member from Namtumbo represented communities affected by infrastructure projects. He highlighted that the conference provided an opportunity to address forgotten issues in terms of human rights protection. He stated that the current implementation of big projects has led to violations of human rights protected by the Constitution and relevant laws. He cited the Mkuju uranium exploration project which led to the proposed road construction. He went on



*Picture No.13 A Community member commenting on the voices presentation during the conference on 17<sup>th</sup> February,2021*

explaining that compensations for land were earmarked since 2013 but no compensation has been paid to date. As a result, community members cannot develop their lands. He pointed out that they were even not aware of the responsible institution to deal with grievances, neither from the central government nor the Namtumbo District Council. He concluded that, CHRAGG is better placed to advise the government on human rights protection so that people can enjoy their right to development.

### 4. Other Stakeholder Comments

Other conference participants commented on various issues of the five case studies' presentations. The comments included: Need for CSOs to explore opportunities available on implementation of UNGPs by reaching people at the grassroots. It was insisted that most of the companies and communities were not aware of their business-related human rights. Communities would be informed on the requirements for compensation payment to stimulate correct and fair claims for compensation. There was still a knowledge gap on human rights and good governance issues. CHRAGG should regularly monitor compliance with the UNGPs in industries and other businesses; and CHRAGG was advised to consider establishing a toll-free call center that would be accessible for the public to ask questions, give comments and get explanations on its services.

### ***4.6.3 Explanations/responses on issues raised***

**AJISO:** It was challenging to get all required documents from responsible institutions during the study;

**Governance Links:** Human rights and business issues are not found in various publications;

**Tanzania Renewable Energy Association (TAREA)** Many activities are implemented but are neither properly documented nor easily accessible. As a result, there is notable underreporting as many activities are implemented but no comprehensive reports about them are found;

**PILIDO:** there is no consistency on statistics about most of the implemented infrastructure projects. Noted the need for project implementers to learn about some socio-cultural values of the affected communities, and pastoral communities in particular;

**FEMAPO:** The World Bank guidelines, particularly Standard 10 on stakeholders engagement, does not seem to cover the broader concept of stakeholders which include among other persons, children and persons with disabilities. Noted that understanding among government officials is greater than that of communities;

**TCCIA:** Projects documents do not show any human rights components. Noted that it is better to address the so-called minor issues in order to prevent human rights violations;

**UN Global Compact Tanzania:** Human rights awareness raising programs should be continuous and sustainable. Communities should always be made aware of their rights and available remedies in case of violations. Also noted that human rights issues must be integrated across all projects' designing and implementation stages.

## **5 SESSION V: WAY FORWARD AND CONFERENCE RESOLUTIONS**

### **5.1 Conference Resolutions**

After discussions participants identified gaps and agreed on conference resolutions, which were outlined in the matrix below.

<b>S/N</b>	<b>GAPS/CHALLENGES</b>	<b>RESOLUTION</b>	<b>RESPONSIBLE INSTITUTION</b>
<b>1.</b>	Knowledge gap on business and human rights in both Mainland and Tanzania Zanzibar.	Enhance awareness on business and human rights standards among the public in both Tanzania Mainland and Zanzibar.	<b>CHRAGG, CSOs and the Media</b>
<b>2.</b>	Absence of legal and policy frameworks and uncoordinated implementation of Corporate Social Responsibility (CSR);	The call to adopt a smarter mix of measures and mandatory human rights due diligence legislation including that of CSR	<b>CHRAGG, CSOs and Key MDAs</b>
<b>3.</b>	Insufficient engagement of CHRAGG, communities and other stakeholders during the design and implementation business project, especially mega infrastructure projects;	Design strategies for meaningful engagement and consultations among Government, CSOs, communities and other business stakeholders during planning, designing and implementation of both small and mega projects	<b>Ministries, CHRAGG, CSOs, Local Government Authorities and local communities' representatives</b>
<b>4.</b>	Unclear and uncoordinated Business and Human Rights Policy Frameworks due to the absence of a National Action Plan(NAP) on Business and Human Rights	CHRAGG to take a lead in emphasizing government for practical implications, commitments and plans of the "Protect, Respect and Remedy" Framework for a wide range of issues including Developing NAP on BHR	<b>CHRAGG and BHRT</b>
<b>5.</b>	Ineffective and under-resourced oversight institutions responsible for (human rights) grievance	Capacitate oversight institutions and other grievance handling mechanisms	<b>Responsible /relevant Government Ministries</b>

	handling mechanisms (i.e. CHRAGG, OSHA, WCF, NEMC, CMA etc.)		
<b>6.</b>	Limited coverage on business and human rights issues specific for Zanzibar	Pay particular attention in addressing business and human rights in Zanzibar	<b>CHRAGG, CSOs, Government and other stakeholders</b>
<b>7.</b>	Limited information about business and human rights	Increase data gathering and dissemination of publications and promotional messages on BHR	<b>CHRAGG, IPIS, BHRT</b>
<b>8.</b>	Underreporting of Business and Human Rights issues during the planning, designing and implementation of projects.	1. More focused awareness Campaign on CHRAGG-CMIS 2. Prepare guidelines and reporting system of Business incidences and submit to the Government for action.	<b>CHRAGG and BHRT take lead</b>
<b>9.</b>	Language barriers in the available information on business and human rights issues	Develop simplified BHR promotional messages in Kiswahili	<b>Key stakeholders in support of IPIS, CHRAGG and BHRT</b>

## 5.2 Way forward

The main conference recommendations on the way forward include:

- i. To increase education and awareness campaigns on Business and Human Rights;
- ii. To develop a National Action Plan (NAP) on Business and Human Rights;
- iii. To set up a legal and policy framework to regulate human rights obligations for corporate activities, including meaningful engagement and consultation with affected communities; and

- iv. CHRAGG to execute its mandate to the fullest, including ensuring adequate stakeholder engagement, provision of guidance in the planning, designing and implementation of major business projects in the country.

## 6 SESSION VI: CLOSING REMARKS

The closing speech was given by Ms Flaviana Charles, Business and Human Rights Tanzania's (BHRT) Executive Director. The following are highlights from her speech.

Ms Charles started her speech by thanking all participants for attentively participating from the beginning to the end of the conference. She believed that everyone learned something. She pointed out that findings presented by five case studies ("Voices from Tanzania") had been understood and addressed as they were, because they were representing communities' concerns on business and human rights issues. She highlighted that Civil Society Organizations could go everywhere to work on business-related issues including environmental and labour rights. She, thus, urged all participants to work with businesses and communities wherever they are.



*Picture No.14 Ms Charles (BHRT) giving the closing speech of the conference on 17<sup>th</sup> February,2021*

Furthermore, Ms Charles stressed that every stakeholder should seriously work on the three Pillars of Business and Human Rights namely the "Protect, Respect, and Remedy Framework". She explained that the government should put in place required policies and laws and ensure their implementation. Businesses should make sure that they respect human rights in their undertakings and ensure access to remedies in case of business-related human rights abuses. She noted that the main goal is building a strong nation together where everyone enjoys her/his right to development. Finally, Ms Charles declared "The Third Multi-Stakeholder Conference on Business and Human Rights" officially closed.

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