



Petra Diamonds' attempts to come clean with its tarnished past in Tanzania

*Challenges in securing access to remedy and
restoring community relations after serious human
rights abuse at the Williamson diamond mine*

Editorial

Petra Diamonds' attempts to come clean with its tarnished past in Tanzania: Challenges in securing access to remedy and restoring community relations after serious human rights abuse at the Williamson diamond mine

Antwerp, November 2023

Front cover image

Resident from Ng'wangh'olo village standing next to a containment structure for the mudslide released by the breach of the mine's tailing dam in November 2022

(Photo: IPIS, 2023)

International Peace Information Service (IPIS)

Suggested citation

IPIS, *Petra Diamonds' attempts to sever its tarnished past in Tanzania: Challenges in securing access to remedy and restoring community relations after serious human rights abuse at the Williamson diamond mine* (Antwerp, 2023).

Credits

IPIS wishes to thank all respondents for their time and effort put in answering questions and sharing perspectives, often at several occasions. IPIS is also thankful to its civil society partners in Tanzania who facilitated context assessments, field research and data collection.

D/2023/4320/18

International Peace Information Service (IPIS) is an independent research institute providing tailored information, analysis, capacity enhancement and policy advice to support those actors who want to realize a vision of durable peace, sustainable development and the fulfilment of human rights.



This publication has been produced with the financial assistance of the European Union and Belgian Directorate-General for Development Cooperation and Humanitarian Aid (DGD). The contents of this document can under no circumstances be regarded as reflecting the position of the European Union or the Belgian Development Cooperation.

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List of acronyms

ADI	Agribusiness Development Initiative
ASM	Artisanal and small-scale mining
CEO	Chief Executive Officer
CGM	Community grievance mechanism
CHRAGG	Commission on Human Rights and Good Governance
CSR	Corporate social responsibility
ESG	Environmental, social and governance
ICCM	International Council on Mining and Metals
IGM	Independent grievance mechanism
IPIS	International Peace Information Service
NEMC	National Environmental Management Council
NGO	Non-governmental organization
PRI	Principles for Responsible Investment
RJC	Responsible Jewellery Council
SGBV	Sexual and gender-based violence
SHIREMA	Shinyanga Regional Miners' Association
TZS	Tanzanian Shilling
UN	United Nations
UNEP	United Nations Environment Programme
UK	United Kingdom
VAT	Value Added Tax
WDL	Williamson Diamonds Ltd.

Executive Summary

Background

This report assesses Petra Diamonds' efforts to restore community relations and remediate the **legacy of serious human rights abuse** at its Williamson diamond mine in Tanzania. Reports of abuse had circulated unaddressed since at least 2011. They included allegations of beatings, torture, illegal detentions, indiscriminate shootings, sexual violence and killings of locals entering Williamson Diamonds' sizable concession to search for diamonds, herd livestock or collect firewood.

In 2020, UK law firm Leigh Day, filed an action in the UK High Court on behalf of victims and their families against Petra as majority owner of Williamson Diamonds Ltd. The action saw Petra's senior management instigate its own investigation into the allegations, which confirmed the loss of life, injury and mistreatment of intruders caused by the mine's private security guards and police operating on Williamson Diamonds' concession.

In May 2021, Petra agreed to a **settlement with 96 Tanzanian claimants**, committing to a detailed settlement package worth approximately €5 million. This package entailed compensation for victims, community development projects and the establishment of a grievance mechanism to remedy additional harms. Petra has since relinquished its majority stake in Williamson Diamonds – held since 2009 – though still maintains a notable shareholding.

The basis for this report

Between July 2022 and October 2023, IPIS engaged in an assessment of **how the 2021 legal settlement is perceived by and impacts upon residents of villages adjacent to the Williamson mine**. It conducted extensive field research, including over 120 interviews with local residents, civil society and local authority actors, as well as engaging key stakeholders, including Petra. This primary research was supplemented by a detailed analysis of corporate reporting, media reports and investigations by civil society and other actors.

In seeking to understand today's needs, IPIS' analysis first scrutinised **what went wrong** in the past. In particular, it queried how such serious human rights abuses could remain unattenuated for so long. Petra itself partly blames reporting structures: Williamson Diamonds' and relatively senior levels of Petra's management had been aware of many incidents and fatalities but did not escalate them to Petra's board, it says. A second factor was arguably the assumption (generated by Petra's own marketing) that Petra is a responsible and ethical diamond miner with strong Environmental, Social and Governance (ESG) practices. This allowed those aware of allegations to simply claim that they should be dismissed as unsubstantiated given Petra's standing. As such, they were only taken 'extremely seriously' once that reputation came under threat – and acutely so. Thirdly, critical voices continue to be hesitant in speaking up due to ongoing reports of the criminalisation of victims and impunity for perpetrators in the Tanzanian context. Finally, IPIS' research shows that the mine lacked appropriate structures for meaningful community engagement and grievance handling. This deficit had completely isolated both Petra and Williamson Diamonds from the local context in which they were operating, leading to both sides knowing little to nothing about one another's motivations, concerns, grievances or expectations.

Petra's settlement can be seen as addressing these past failures in three main ways: by seeking to improve community relations, to minimise additional harm, and to improve access to remedy. Analysing how efforts under these three focal areas are perceived by and impact the mine's adjacent communities, has enabled IPIS to **answer to three specific research questions**, as set out in this report:

1. Will Petra and Williamson Diamonds succeed in sustainably building more positive relations with adjacent communities, and overcome the mistrust, frustration, trauma and resentment that have built up within these communities for well over a decade?
2. Will they manage to prevent further harm from being done, including by protecting the land and resources awarded to them by the State whilst respecting human rights?
3. Will they manage the daunting task of providing equitable access to remedy and fair redress to all victims of human rights abuse and other grievances?

Improving community relations

In addition to a new stakeholder engagement plan, Petra's efforts to improve community relations include a number of **'restorative justice projects'**. These initiatives to promote sustainable development in adjacent villages are still at an early phase. They include a sexual and gender-based violence campaign, the managed collection of firewood from the concession, an agri-business development initiative, and support to artisanal and small-scale mining (ASM). These initiatives hold considerable potential for improving relations to the extent that they address genuine needs in key local livelihoods. However, they also risk reigniting old sentiments of broken promises if expectations and communications around these projects are not well managed. For example, the news that the mine may hold off on announced plans to support ASM may be a bitter pill for local communities to swallow. They rely heavily on this livelihood stream and have seen such initiatives being withdrawn again and again over the last 15 years.

Minimising additional harms

Several measures were also taken to minimise the risk of causing or contributing to new harms. **Incidents with intruders** lie at the heart of the most numerous and severe harms suffered by local people around the mine. To reduce such incidents, Petra and Williamson Diamonds improved the demarcation of the mine's concession area, adopted new rules of engagement for the mine's security operations, and replaced the heavily implicated private security contractor, Zenith Security, by GardaWorld in March 2021. The latter are generally seen as more professional, predictable and law-abiding.

Unsurprisingly, **intrusion on the concession by local residents has not ended**. Herdsmen who follow, guide or search their cattle on the unfenced concession regularly complain of livestock confiscations, resulting in the levy of heavy fines for retrieval. Moreover, artisanal diamond mining on the Williamson concession continues to be widespread, and generally viewed by communities as a legitimate livelihood strategy that helps to settle unfulfilled claims to the area's diamond wealth and associated benefits.

While most IPIS respondents agree that violence at the mine has become less intense, indiscriminate and widespread, IPIS still received various **reports of beatings**. These all follow a similar pattern of guards hitting intruders with batons on joints, arms and legs, before leaving them behind or handing them over to the police. Reports of shootings have become very rare since Zenith Security's departure.

Despite this, IPIS has collected **one concerning testimony** from a young artisanal miner who suffered serious gunshot wounds in January 2022. He claims to have sustained these injuries at the hands of Williamson Diamonds' private security guards. When asked for comment by IPIS in preparation for this report, GardaWorld, by contrast, claims to have information that this person was the victim of security arrangements at the adjacent El-Hillal diamond mine. Crucially for the Williamson mine, this young man filed a complaint with its independent grievance mechanism in May 2022, but at the time of publishing this report – that is, over 16 months later – had still not received a response. Irrespective of the facts surrounding this case, this lack of responsiveness to allegations of ongoing abuse raises serious concerns about Williamson Diamond's ability to effectively stave off further abuses – whether systemic or rogue – in the future. Given the long history of abuse at the Williamson mine, the slowness to respond to such a serious allegation raises important concerns about the priorities, preparedness and adequacy of the mine's new approach to grievance handling and Petra's due diligence. The establishment of an independent mechanism is commendable, but it does not exempt companies from their own responsibilities to embed human rights due diligence into decision-making and risk management structures, as set out in the UN Guiding Principles on Business and Human Rights.

In the midst of its efforts to reduce harm and restore trust, Williamson Diamonds was the source of further individual and communal damage in November 2022, when the mine's **tailing storage facility** broke and

released a large mud flow onto houses, farmland and the water supply of several villages. Experts suggest that this serious accident could have been prevented if appropriate monitoring standards had been followed. In the months following the failure, many locals have struggled to meet their basic needs and sustain their livelihoods in farming and artisanal mining. Combined with uncertainty and confusion over how negative impacts were going to be remediated, this incident reawakened feelings of mistrust towards the mine.

Access to remedy for old and new harms

Petra and Williamson Diamonds are trying to put an end to the lack of accountability and remedy for harms caused by or linked to their operations and security arrangements. They have established a community grievance mechanism (CGM) for daily operational issues, an independent grievance mechanism (IGM) for victims of human rights abuse, and an ad hoc mechanism for those impacted by the tailings dam breach. These **different grievance mechanisms** considerably improve locals' prospects of accessing remedy and thus raise the potential for reconciling and healing the mine's relations with adjacent communities. However, research for this report shows that these three mechanisms all share the same four stumbling blocks, which must be overcome to fully realise this potential, namely insufficient predictability, transparency, equitability and dialogue.

Given the immense scale and impact of past human rights abuses, the performance of Petra's **independent grievance mechanism** has been the key focus of research for this report. There is little public documentation on its design and functioning, which has caused unnecessary confusion among claimants. IPIS has drawn together a picture of this mechanism using its own research and information on the mechanism's functioning received from various stakeholders. This reveals a rather solid design, as well as significant effort to reflect many of the best practice criteria for effective company-level grievance mechanisms as enshrined in the UN Guiding Principles on Business and Human Rights. The approach of running the mechanism independently of the mine using Tanzanian experts contributes considerably to its accessibility and legitimacy. By November 2022, 5,575 people had registered a complaint with the IGM – a testament to both the reach of Williamson mine's awareness-raising efforts regarding the existence of the mechanism, as well as the legacy of human rights abuse at the mine.

Despite this promising base, IPIS research has nevertheless found that after registration the process became **unpredictable and untransparent** for many of the 360 claimants that were selected as part the IGM's pilot phase. The unavailability of information confuses claimants about the scope – including temporal – of the IGM, as well as creating uncertainty about what is expected from them, what evidence is required, how to collect such evidence, what outcome they can expect, and when they might expect to even receive an outcome. Those who are invited to commence with the substantive part of the process are given no advanced notice to organise their schedule or adequately prepare. This is a source of considerable stress and anxiety, which is further reinforced by a lack of transparency on the status of claims and the overall progress of the IGM. Since registration, many claimants have heard nothing about their case, or the IGM generally, for what will (at time of publication) be up to two years.

Two other best practice principles that appear to be **overlooked in the IGM's implementation are equitability and dialogue**. Many claimants surveyed by IPIS perceive the process to be an adversarial one. This is particularly concerning for victims of sexual violence as it appears that insufficient measures have been taken to prevent or account for re-traumatisation, stigmatisation and evidential challenges. Equally worrisome is that – contrary to what Petra has committed to – none of the claimants interviewed by IPIS indicate to have received 'free and independent legal support' in preparation for or during grievance handling. Only the few applicants to have so far reached the final decision stage said that they had been introduced to a lawyer as the IGM panel informed them of their decision. This absence of legal support, and the prevailing sense of a one-way and insufficiently inclusive process, has led many claimants to question the independence of the scheme. This sentiment is reinforced by reports of errors and oversights in the IGM procedure, which claimants are left to detect and address on their own.

The system that was tested in the pilot phase did thus not correspond to what was committed to on a number of key aspects, while the consequences for claimants are very real. The first report by the IGM's independent monitors, published shortly before the release of the present report in October 2023, indicates their awareness of a number of the above shortcomings. It confirms that the IGM was launched without sufficient preparation for the magnitude of the task at hand, and is now **being patched up as it**

progresses beyond the pilot phase. Several efforts have reportedly been made to address major flaws, such as the adversarial language and tone used by IGM staff. Other adaptations, such as improved engagement and communication with claimants and communities, are also said to be underway. Hopefully, the insight that IPIS' own report offers into the genuine and perceived concerns of claimants can contribute to this continuous learning and will be used to inform further improvements in the IGM and the mine's other grievance mechanisms.

Conclusion

Petra and Williamson Diamonds have taken several important steps to come clean with their troubled past. They have **started bridging the huge disconnect between the mine and its adjacent communities**, which had previously allowed the human rights situation to get so badly out of hand. Nevertheless, IPIS's research shows that only by continuing to improve their understanding of and responsiveness to the concerns and needs of local residents can Petra and Williamson implement their well-intended initiatives to optimal effect.

In general, meaningful community engagement and better adherence to the highest standards of human rights and environmental due diligence should be at the heart of Petra and Williamson Diamonds' further efforts. It is only through the full and effective implementation of these corporate best practices that both entities can jointly deliver on their promises of responsible business conduct in a way that is experienced as such by communities impacted by the mine.

On the basis of its conclusions and main findings, IPIS formulated several **specific recommendations** at the end of this report. These are grouped under three main headings: (1) to prevent and minimise harm, (2) to ensure equitable access to fair redress, and (3) to manage fragile trust and build lang-lasting positive community relations. The recommendations are in the first place of relevance to Petra and Williamson Diamonds, but also include important considerations for other key stakeholders such as Synergy, Leigh Day, the IGM staff and independent monitors, PwC, national and local Tanzanian authorities and the mining sector at large.

Introduction

1. Contextual background

2021 saw international diamond mining company Petra Diamonds Ltd.¹ reach a **multi-million-pound settlement with 96 alleged victims of serious human rights abuse**. The settlement concerned allegations regarding the conduct of security operations at its world-renowned Williamson diamond mine in Tanzania, including allegations of beatings, torture, illegal detention, indiscriminate shootings, sexual violence and killings of locals who entered the concession both wittingly and unwittingly. With ongoing reports of abuse circulating since at least 2011, the claimants, represented by the British law firm Leigh Day, ultimately filed claims against Petra Diamonds as the majority owner of Williamson Diamonds Ltd before the UK High Court in 2020.²

The rising international scrutiny brought by these proceedings saw Petra's senior management take the allegations "extremely seriously".³ Its own investigation confirmed many of the **allegations** against its third-party security contractor, which **had not been escalated to Petra's board** despite being known "at reasonably senior levels" within Petra and Williamson Diamonds.⁴

Petra consequently went on to take several immediate **enhancement and corrective measures**. These included revamping reporting and incident escalation procedures, suspending the heads of security and general services at Williamson Diamonds, appointing a new security contractor, and developing and

implementing a stakeholder engagement plan. The company also committed to a settlement package worth £4.3 million (approximately €5 million).⁵ In addition to compensating victims, this package is intended to encompass the establishment of an independent grievance mechanism to give additional victims of human rights abuse access to balanced and fair remedy, as well as £1 million earmarked for restorative justice and development projects in the communities living around the Williamson mine.⁶

After many years of being ignored, this settlement appears to offer some relief not only to the original legal claimants, but also to other local residents who now similarly hope to access justice and redress. By November 2022, the secretariat of the new independent grievance mechanism had received **5,575 complaints from alleged victims of human rights abuse** at the Williamson mine.

On 7 November 2022, these reconciliation efforts between the parties suffered a major blow. A **tailings dam failure** releasing a c.7.5km long mudflow,⁷ flooded swaths of farmland, dozens of homes and contaminated the freshwater sources of several villages surrounding the Williamson mine. The accident led Petra to suspend operations at the mine for over eight months and to install a parallel compensation scheme for victims affected by the tailings dam breach. Since these events, Petra has relinquished its majority shareholder status in Williamson Diamonds (held since 2009).⁸

1 Hereafter referred to as Petra Diamonds or Petra.

2 The joint venture that operates the Williamson mine.

3 Petra Diamonds, [Statement regarding allegations of human rights abuses at the Williamson Mine in Tanzania](#), 9.9.2020.

4 Petra Diamonds, [Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania](#), 12.5.2021.

5 Petra Diamonds, [Settlement of human rights claims at Williamson Diamond Mine, Tanzania](#), 12.5.2021.

6 Petra Diamonds, [Annual Report and Accounts 2022: A point of Inflection](#) (London, 2023), p. 55.

7 Petley D., 'Planet Labs image of the Williamson Diamond Mine tailings dam failure', AGU Blogosphere, 9.11.2022.

8 Petra Diamonds, [Entry into definitive transaction agreements pursuant to MOU for the sale of 50% of Petra's holding in Williamson Diamonds Limited](#) (Press Release), 31.5.2023.

2. Aim of this report

This report assesses Petra's efforts to address the **troubled past** of the Williamson mine. It seeks to better understand how these efforts are received in adjacent communities and the extent to which they respond to community grievances. In doing so, IPIS tries to draw lessons from Petra's evolving approach towards community engagement, for this and other mining operations.

Like most modern mining operations, the reality of Petra's foreign and Tanzanian staff is far removed from that of the communities next to which the mine operates. Mine personnel live in a walled-off compound with its own schooling, medical, social, religious and leisure facilities. By contrast, communities living around the mine continue to be characterised by poverty and a lack of basic services. Overcoming this vast divide is a challenge. Building trust, managing expectations, and ensuring mutual understanding requires dedicated structures to ensure **meaningful community consultation and engagement**. Such activities are crucial to ensuring that community inputs, concerns and feedback are not just siloed in the company's community relations department but are incorporated throughout corporate decision-making structures.

Poor management of community relations is what allowed human rights abuses to linger and escalate for many years. A key question is therefore whether the new engagement strategies and structures will **overcome the previous shortcomings**. This will be key to implementing the many well-intentioned commitments of the settlement package in alignment with the specific context, needs and requirements of local residents, as well as international standards on responsible business conduct.

Both Petra and Williamson Diamonds have shown a willingness to turn the page and make a fresh start regarding their relations with adjacent communities. However, **much still hangs in the balance**:

- Will they succeed in sustainably building more positive relations and overcome the mistrust, frustration, trauma and resentment that have built up within these communities for well over a decade?
- Will they manage to prevent further harm from being done, including by protecting the land and resources awarded to them by the state whilst respecting human rights?
- Will they manage the daunting task of providing equitable access to remedy and fair redress to all victims of human rights abuse and other grievances?

These are the various questions that this report aims to answer.

3. Methodology

To answer the many outstanding questions outlined above, IPIS has extensively analysed relevant corporate **reports** and updates published by Petra, reporting in Tanzanian media (in Swahili and English) and studies by academics, NGOs and other third parties. We have also consulted and exchanged with **key stakeholders** who have done recent work on the Williamson case, namely the UK NGO RAID, Leigh Day, and the consultancy firms Synergy Global Consulting (Synergy) and TDi Sustainability. The latter two entities have been contracted by Petra to oversee the implementation of certain aspects of the settlement package. When completing the final edit of the report, IPIS added a number of findings from the first public report by the independent monitor of the Williamson mine's independent grievance mechanism, which was published online shortly before this report's publication date, on 10 October 2023.⁹

Between July 2022 and April 2023, IPIS also undertook four **research trips** to Tanzania's Shinyanga region and the communities surrounding the Williamson mine, in close cooperation with local civil society organisations. These trips were crucial to getting a more comprehensive

⁹ Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023).

and nuanced understanding of the present-day situation. During these trips IPIS conducted around 40 semi-structured interviews with community representatives, civil society actors, artisanal miners and local government representatives. In addition, **structured surveys** were carried out with 83 local residents who lodged complaints related to human rights abuse through the mine's independent grievance mechanism. Between April and September 2023, IPIS followed-up remotely, and through civil society partners, with various respondents of both the semi-structured interviews and surveys to understand and assess more recent developments.

To check information gathered and fill gaps in what has been publicly communicated, IPIS sent a letter and a detailed **list of questions to Petra's** CEO in July 2023. An analysis of Petra's elaborate response, which IPIS received in August 2023, helped to finalise this research. IPIS was not granted permission to publish Petra's response letter in full. However, its content is incorporated into this report. IPIS' letter and list of questions are attached in **annex 1** and **annex 2**. Prior to publication, an advanced copy of this report was shared with Petra. Where deemed appropriate, further clarifications based on this exchange have been incorporated in the final version of this report.

Finally, in September 2023, IPIS **reached out to GardaWorld** West Security Limited Tanzania to seek its response on a number of community allegations concerning the conduct of its guards contracted by the Williamson mine since 1 March 2021. IPIS was not granted permission to publish Garda's response in full but its contents are integrated into this report. IPIS' letter is included in **annex 3**.

IPIS intends to discuss and follow up on the findings of this research through exchanges and engagement with key stakeholders, including community respondents, Tanzanian civil society partners, Petra Diamonds, Williamson Diamonds, GardaWorld, LeighDay and Synergy.

4. The structure of this report

The **executive summary** compiles the main answers to the research questions in a consolidated manner. For more context and detailed analysis, readers are referred to the respective chapters. Subtitles and bold highlights have been used throughout the report to orient readers towards specific themes.

Chapter one of this report outlines the origins and development of the Williamson mine, its tensions with adjacent communities, and its history of human rights abuse. It discusses the legal claim brought against the company in London and the settlement that was reached, including its community development aspects.

Chapter two addresses how efforts to restore trust and ensure justice were interrupted and impacted by the tailings dam breach of November 2022. It presents the lived experiences of affected communities in light of the impact of the accident and the remediation provided by Williamson Diamonds. From these, lessons are drawn regarding tailings management and effective remediation.

Chapter three analyses the present-day security arrangement at Williamson Mine and its human rights impact. It addresses efforts to improve the demarcation of the mine's perimeter, manage access by community members to the concession, and the practices of the new private security guards in handling intrusions.

Chapter four scrutinises the design and functioning of the independent grievance mechanism that has been set up to investigate and resolve complaints of human rights abuse linked to the Williamson mine's security operations. It presents what is known about the mechanism's design and procedures, and how communities were involved and informed about its existence, scope and functioning. This chapter elaborates extensively on how those participating in the remediation scheme experience the grievance handling process, evidence gathering, gender-responsiveness and equitability of the process.

The conclusions of this report consolidate the overarching findings of this report that form the building blocks to answering our research questions and formulating recommendations. These **recommendations** are in the first place of relevance to Petra and Williamson Diamonds, but also include important considerations for other key stakeholders such as Synergy, Leigh Day, the IGM staff and independent monitors, PwC, national and local Tanzanian authorities and the mining sector at large. These are grouped under three main headings: (1) to prevent and minimise harm, (2) to ensure equitable access to fair redress, and (3) to manage fragile trust and build lang-lasting positive community relations.

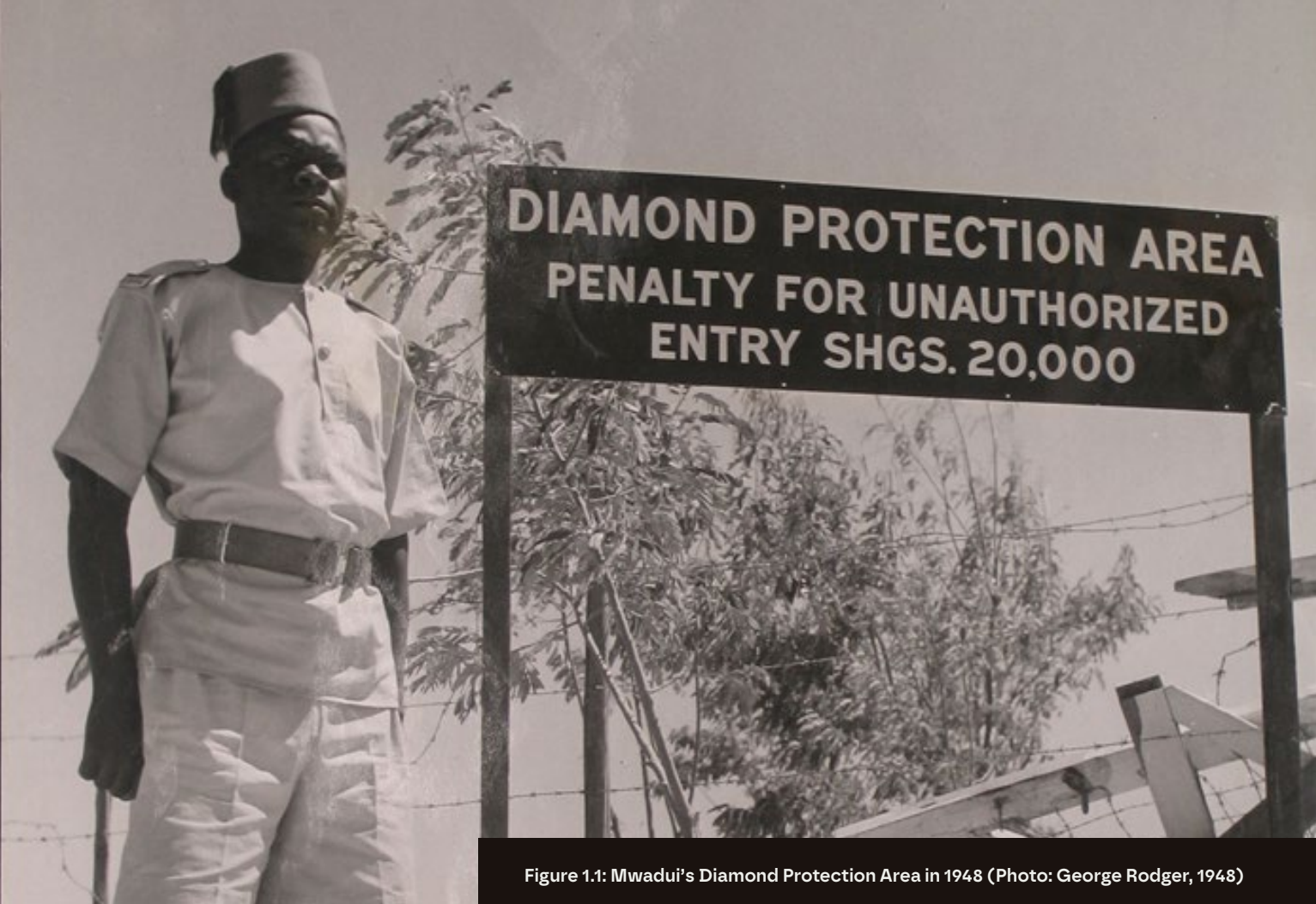


Figure 1.1: Mwadui's Diamond Protection Area in 1948 (Photo: George Rodger, 1948)

1. Settling human rights abuse at the Williamson diamond mine

1.1. Eighty years of Williamson diamond mine

The local origins of “Mwadui mine”

The Williamson diamond mine – locally called the “Mwadui mine” – is the oldest operating mine in Tanzania and one of the world’s longest continuous diamond mining operations. It was started under British colonial rule by Canadian geologist, Dr John Williamson, who began exploring the area in 1940. In 1942, he registered Williamson Diamonds Mine

Limited as a private company in Tanzania and began this major mining operation in Kishapu district (Shinyanga region), about 25km northeast of the regional capital, Shinyanga. Dr Williamson named the site “Mwadui” after the then-local tribal chief.¹⁰ Under the 1948 Diamond Industry Protection Regulations, the license area assigned to Williamson Diamonds was recognized as a Diamond Protection Area, implying that any unauthorized access was prohibited by the State.¹¹

10 Hide D., ‘John Williamson - The Diamond Seeker, Mwadui’, (no date).

11 Diamond Industry Protection Regulations, 1948.

Box 1: Williamson Diamonds fame

Today, the mine is renowned for its high-quality rounded white and rare ‘fancy’ pink diamonds. Its most famous diamond is the ‘Williamson Pink’, discovered in 1947 and still considered one of the rarest of its kind. It is a flawless pink diamond that Dr Williamson gave as a wedding gift to then-Princess Elizabeth who wore it in a brooch throughout her life as queen of the United Kingdom.¹² In 2022, the 11.15-carat ‘Williamson Pink Star’, another of the mine’s precious finds, was auctioned for \$57.7 million (ca. €55 million), shattering the world record of highest price per carat.¹³

Shifting degrees of ownership between the State and De Beers

The Williamson mine was operated as a private company until Dr Williamson’s death in January 1958. Williamson Diamonds Ltd. was then sold as a 50/50 joint venture to the Tanganyikan government and global mining giant De Beers in August of that year. In 1971, a decade after Tanzania’s independence, the Nyerere government nationalized the mine. In 1972 the State Mining Cooperation (STAMICO) was established and started operating the Williamson mine in 1973. In 1994, as part of a World Bank-promoted drive to liberalize the Tanzanian economy and attract foreign direct investment,¹⁴ De Beers was invited to re-invest in the mine. It purchased 75% of the joint venture’s shares with the government holding the remaining 25%. In 2005, the Williamson license was expanded by merging with an adjacent title on its eastern flank, held by New Alamas Limited.¹⁵ The latter hosted an alluvial and eluvial gravel mining operation around what is today known as the New Alamas dam.¹⁶ This new license (Special Mining License 2016/2005) brought the total Williamson license area to its current size of 30.6 km².

Petra Diamonds assumes the majority stake

In February 2009, UK-listed Petra Diamonds acquired De Beers’ 75% stake in Williamson Diamonds. In 2010, Petra Diamonds announced a three-year expansion plan for the Williamson mine. Via a major reshaping of the open pit and plant rehabilitation, and with substantial support from the World Bank’s International Finance Corporation (IFC), Petra aimed to increase the mine’s throughput fivefold.¹⁷ In the financial year 2019 Petra reported that the Williamson mine had reached the highest level of production in over four decades, with nearly 400,000 carats produced.

In 2022, Petra estimated the total diamond resource of the Williamson mine to be at 37.7 million carats, with the current license running until 2030 and the potential mine life estimated at another 50+ years.¹⁸ The Williamson mine contributed 13% of Petra’s total revenues for 2022 of \$585 million (ca. €555 million), with the rest coming from the company’s three South African mines (Cullinan, Finsch and Koffiefontein).¹⁹ Petra has been selling diamonds from the Williamson mine through competitive tenders in Antwerp,

12 Late Queen Elizabeth II (21 April 1926 – 8 September 2022).

13 DeMarco A., ‘11.15-Carat Williamson Pink Star Diamond Fetches \$57.7 Million, A World Record Price’, Forbes, 7.10.2022.

14 Delve Country Profile - Tanzania: Artisanal and Small-scale Mining Sector (World Bank Extractives Global Programmatic Support Multi-Donor Trust Fund, Pact and IPIS, 2021), pp. 18-20.

15 Parliament of Tanzania, *Debate of fourth meeting, twenty-sixth session*, 15.7.2011, pp. 94.

16 Knight J. and Stevenson H., ‘The Williamson Diamond Mine, De Beers, and the Colonial Office: A Case-Study of the Quest for Control’, *The Journal of Modern African Studies*, 1986, 24(3), pp. 423-445.

17 Petra Diamonds, *Annual Report and Accounts 2018: Entering a new phase* (London, 2011), pp. 17-18.

18 Petra Diamonds, *Annual Report and Accounts 2022: A Point of Inflection* (London, 2023), p. 54.

19 *Ibid.*, p. 2.

Belgium. The Williamson operation currently has 505 employees and 494 contractors.²⁰ Employees either work on a fly-in fly-out basis or live in Mwadui town, a settlement within the mine's walled-off compound, which has its own schools, shops, churches, sport centre and swimming pool.

Slow ESG engagement starts to fetter commercial sustainability

Petra is a founding member of the Natural Diamond Council. Founded in 2015, the Council is a major diamond sector association engaged in generic marketing that aims “to advance the integrity of the modern diamond industry and to inspire, educate and protect the consumer”.²¹ However, despite being one of very few big diamond mining companies, Petra is not a member of the Responsible Jewellery Council (RJC), which is the industry's main ethical standard setting organisation. Petra's 2022 sustainability report for the first time mentions Petra's ambition to pursue RJC membership and notes that an application has been submitted. Commercial members of the RJC commit to achieving certification within 2 years of joining, which involves an audit against the body's Code of Practices.²²

Petra's 2022 sustainability report refers the following **challenges** at the Williamson mine: “Women in the workforce, security of power and water supplies, illegal mining and malaria; COVID-19 and the knock-on impacts on economic output”.²³ Another key sustainability challenge for Petra emerged during the tenure of late President Magufuli, which began in November 2015 and signalled greater scrutiny of Tanzania's returns from the exploitation of its mineral wealth. During a period of what has been termed “economic warfare” against foreign mining

companies,²⁴ Petra too was but under the spotlight. A 2017 Parliamentary probe into the mining sector alleged the existence of gross irregularities surrounding Petra's contract, license and diamond valuation.²⁵ Suspicions of undervaluation, which Petra has always denied, resulted in the confiscation of a 71,654.54 carat parcel destined for Antwerp at Dar es Salaam airport that year.²⁶

Alongside these events, several domestic reports on the **concerning human rights record** of security agents operating at the Williamson mine had been in circulation since at least 2011 (see below). It was only however from 2019 onwards that Petra started facing increased international scrutiny in respect of these issues, following reports by IPIS, the Kimberley Process Civil Society Coalition and RAID.²⁷ In September 2020, the UK law firm Leigh Day filed a set of claims against Petra Diamonds on behalf of alleged Tanzanian victims of human rights abuse and their families before the High Court in London. Eight months later, this resulted in a settlement with Petra that included compensation for claimants, restorative justice projects and the installation of an independent grievance mechanism.

In November 2022, while the foundations for the restoration of community trust were still being laid, the eastern wall of Williamson's **tailings storage facility** broke.²⁸ This caused mining waste and water to flood the surrounding areas, destroying homes and farmland belonging to dozens of families living downstream of the dam (see Chapter 2). In its efforts to mitigate the impact of these events on the mine's operations and surrounding communities, Petra anticipated a \$5.9 million (ca. €5.5 million)

20 Petra Diamonds, *Sustainability Report 2022: A Point of Inflection* (London, 2023), p. 7.

21 About the Natural Diamond Council: <https://www.naturaldiamonds.com/council/>.

22 Responsible Jewellery Council, *Code of Practices* (London, 2019).

23 Petra Diamonds, *Sustainability Report 2022: A Point of Inflection* (London, 2023), p. 7.

24 Jacob T. & Pedersen R.H., 'New resource nationalism? Continuity and change in Tanzania's extractive industries', *The Extractive Industries and Society*, 2018, 5(2), pp 287-292.

25 Megaw N., 'Petra Diamonds suspends operations at Tanzania mine as government probes industry', *Financial Times*, 11.09.2017.

26 Davies R., 'Petra Diamonds market value falls after Tanzania seizes \$15m shipment', *The Guardian*, 11.09.2017. While the Tanzanian Government in December 2021 agreed to release the proceeds of the sale of this parcel to support operations at the Williamson mine, in February 2023 Petra reported to still be engaging the government on the matter (Petra Diamonds, *Interim results for the six months ended 31 December 2022*, 21.2.2023).

27 IPIS, *Dissecting the social license to operate: Local community perceptions of industrial mining in northwest Tanzania* (Antwerp, 2019); Kimberley Process Civil Society Coalition, *Real Care is Rare: An on-the-ground perspective on blood diamonds and the fifth 'C'* (Harare, 2019), p.14 ; RAID, *The Deadly Cost of 'Ethical' Diamonds: Human Rights Abuses at Petra Diamonds' Tanzanian Mine* (London, 2020).

28 Ng'hily D., 'Nemc sends experts to assess dam breach at Mwadui diamond mine', *The Citizen*, 9.11.2022.

remediation cost and put operations on pause until July 2023.²⁹

Petra's shareholding declines

In the midst of these troubles, and due to a heavy debt burden and a looming interest payment, Petra put itself up for sale in June 2020.³⁰ It did not manage to find buyers but instead agreed a debt-for-equity restructuring with lenders in October of that year.³¹ In this same period, Petra decided to gradually refocus activities on its South African mines and resort to reducing its share in the Williamson mine. It first concluded a Framework Agreement with the Government of Tanzania in December 2021, in which both parties agreed in principle on decreasing Petra's indirect shareholding in Williamson Diamonds **from 75 to 63%** (and thus increase the government's share from 25 to 37%).

In May 2023, Petra announced that it had entered into a series of transactions that would further reduce its indirect shareholding in Williamson **to 31.5%**. This follows its agreement to sell half of its remaining stake to Pink Diamonds Investment Limited, with Petra retaining a controlling interest.³² Pink Diamonds is a company affiliated with Taifa Mining and Civils Limited, which is owned by the Tanzanian businessman Rostam Aziz. His company Caspian Limited has been the technical services contractor of the Williamson mine since 1998. The parties aim to complete the transaction by the end of 2023, subject to all necessary regulatory approvals.

1.2. The root causes of community tensions

Mine seeks labour, labourers seeks work

When Dr Williamson started developing his Mwadui operation in the 1940s he needed a large workforce that considerably exceeded the capacities of the host community. People from all over the country were attracted to work at the mine. It is estimated

that by 1946 the mine employed 6,000 workers and 200 armed guards, all of whom lived in a fenced encampment in what is now Mwadui village.³³ Maganzo, today the biggest town in the area, started out as a labour camp for those awaiting or seeking employment at the mine, and gradually evolved to become a permanent settlement. In this remote and semi-arid area, there are few economic opportunities.

ASM as a response to lack of economic opportunity

As such, artisanal mining in the surroundings of the Williamson mine quickly became a key livelihood. Incited by active, retrenched or retired mine workers who knew their way onto the concession and around security, such mining often involved stealthily swooping into the Williamson concession and shoving diamond-bearing ore or tailings into gunny-sacks to sieve at, or closer to, home. This form of artisanal activity became widespread in the 1970s and 1980s when, following nationalization of the mine, its operations, employment and security were considerably scaled down.³⁴ It became known as "*ubeshi*" – a term derived from the local Sukuma word for a hawk (*mbeshi*; *ubeshi* = hawking) that plummets down from the sky to seize its prey and fly off.

29 Petra Diamonds, *Williamson Mine: Update on TSF wall breach*, 21.2.2023.

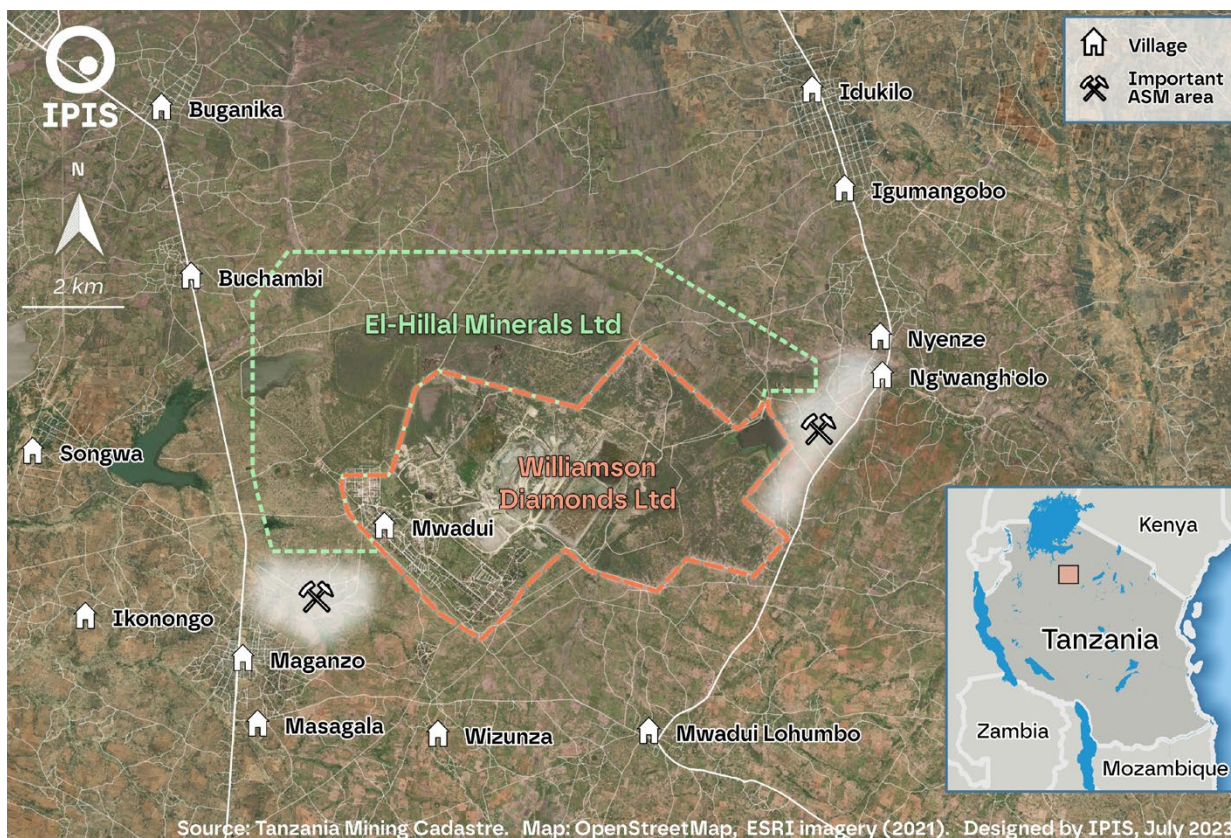
30 Hume N., 'Petra Diamonds hoists for sale sign as debt payment looms', *Financial Times*, 29.6.2020.

31 Reid H. and Shabong Y., 'Petra Diamonds shares fall on debt-for-equity deal', *Reuters*, 20.10.2020.

32 Petra Diamonds, *Class 2 Announcement: Entry into definitive transaction agreements pursuant to MOU for the sale of 50% of Petra's holding in Williamson Diamonds Limited (Press Release)*, 31.5.2023.

33 Mwaipopo R., 'Ubeshi – Negotiating co-existence: Artisanal and large-scale relations in diamond mining', in Bryccesson D.F., Fisher E., Jönsson J.B. and Mwaipopo R. (Routledge, London, 2014), pp. 166-168.

34 *Ibid.*



▲ Figure 1.2: The Williamson Diamonds mine, adjacent villages and the neighbouring El-Hilal Minerals

As with the rest of the Shinyanga region, the Mwadui area remains among the poorest in Tanzania.³⁵ This makes **artisanal mining one of the few and main livelihood opportunities** available to locals besides subsistence farming, livestock keeping, and small commerce. A 2006 survey conducted in villages around the Williamson mine found 75% of families citing artisanal mining as their most significant source of cash income, with 30% indicating that they engaged in *ubeshi*.³⁶

Investing in artisanal diamond mining has come to form an **integral part of the local economy**. Investors, most of them living in Shinyanga town, include diamond traders and brokers, either licensed or unlicensed, teachers, shop owners, local government officials, and basically anyone with some savings. They finance in accordance with diverse arrangements that typically involve covering daily living expenses, equipment and medical bills in

return for a share of the revenue or the right to sell the diamonds they find. This makes artisanal diamond mining a complex ecosystem that is difficult to grasp or control due to the fluidity with which miners shift between mainly informal, and in fact illegal but tolerated, artisanal mining operations outside the Williamson concession and illegal – including criminal – intrusion on the concession.

Contested entitlements

When respondents told IPIS that they did not engage in or had stopped mining on the Williamson concession, this non-engagement seemed always motivated by fear for violent repression, rather than any sense on their part that such activity was illegitimate. There is a latent but widespread view and deeply ingrained belief that *ubeshi* is a **justifiable means of settling local communities' legitimate claims** to both land and mineral wealth that are not

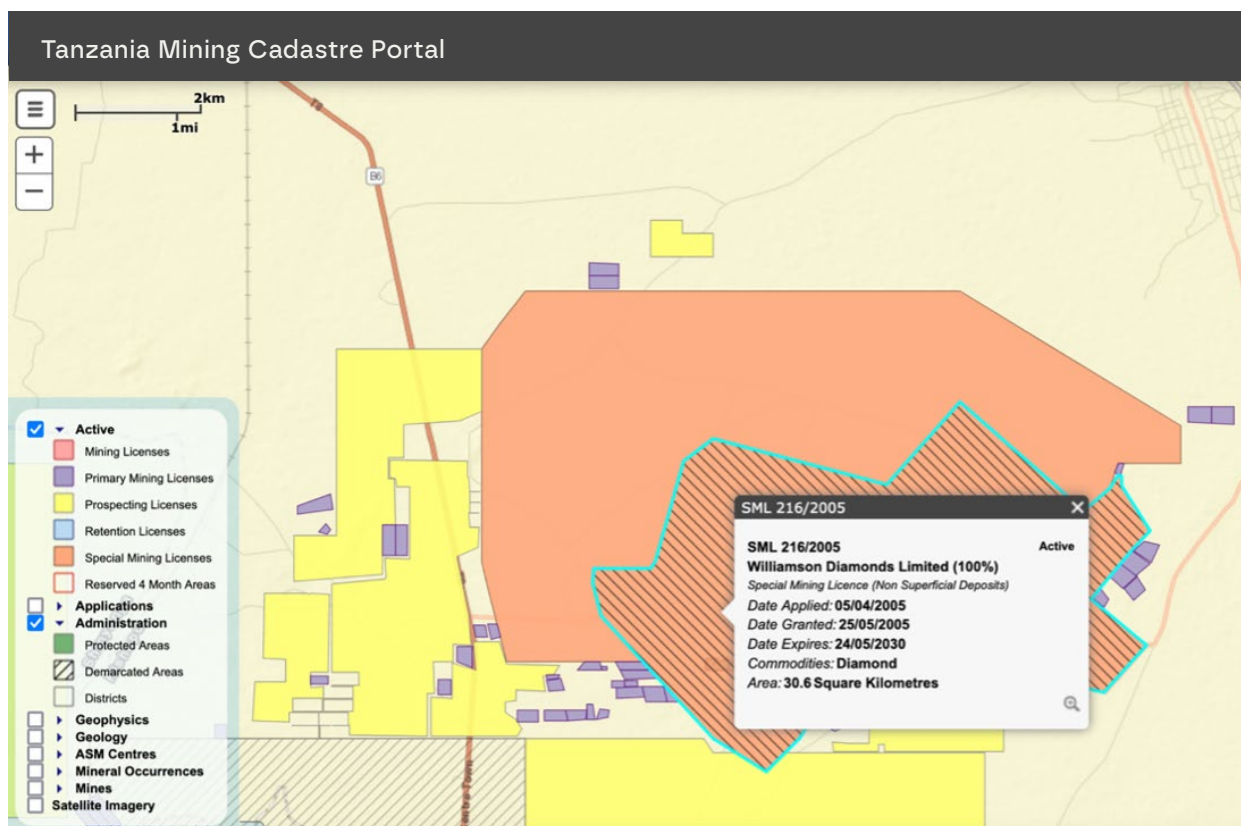
35 World Bank Group, Tanzania Mainland Poverty Assessment (Washington, 2020), 57p.

36 Survey cited in Mwaipopo R., 'Ubeshi – Negotiating co-existence: Artisanal and large-scale relations in diamond mining', in Brycesson D.F., Fisher E., Jønsson J.B. and Mwaipopo R. (Routledge, London, 2014), pp. 166-168.

recognized by existing governance systems that privilege elites. In the eyes of locals, Dr Williamson “was the first *mbeshi* in Mwadui, although of a different *kind*”, being lucky enough to have the resources, know-how and contacts to cement his claim in the form of a vast license.³⁷

Long-standing questions have also been raised about the legality of the New Alamasu Ltd. license, covering an area close to the artisanal mining hotspots of Mwadui Lohumbo and Ng'wanguh'olo village, and how it was absorbed by Williamson Diamonds in

2005. These concerns were voiced elaborately by opposition member of Parliament John Mnyika in a 2011 parliamentary debate.³⁸ In the past two decades, many other areas around the Williamson concession have been captured by **invisible but enforceable titles** for exploration, and large and small-scale exploitation (see Figure 2.3 below). These are awarded on a first-come-first-served basis and often go to speculating urban elites, as locals lack the awareness, know-how and resources to apply for titles to consolidate their existing informal claims.



▲ Figure 1.3: Screenshot of Tanzania’s online mining cadastre, showing large-scale (orange), prospecting (yellow) and small-scale (purple) mining licenses around the Williamson concession

Williamson mine further erodes its social license

Contestation of the land and resources captured by the Williamson concession is compounded by long-

standing sentiments about the mine **contributing little, damaging much**, and failing to fulfil promises to local residents. “*The mine has brought us nothing but violence*”.³⁹ This statement by one local resident reflects what many respondents expressed. A continuous

37 Ibid., p. 165

38 Parliament of Tanzania, *Debate of fourth meeting, twenty-sixth session*, 15.7.2011, pp. 93-96.

39 IPIS interview with local resident, 12.2.2023.

failure to reconcile competing claims had given rise to mutual antagonism, resentment and distrust.

In 2006, there had been hope of reconciliation and support when former mine owner De Beers, in partnership with Tanzanian government authorities, had initiated the **Mwadu Diamond Partnership Project** (MDCP). This involved the participatory development of strategies to accelerate socio-economic development and alleviate poverty by supporting nine artisanal mining settlements. Blocks were identified on the Williamson lease area to train artisanal miners on improved mining methods for a period of three years, after which they would be capacitated to run their own small-scale diamond mining operations. A building was set aside as a training centre on diamond valuation and fair pricing. Baseline studies were conducted and pilots developed, but before implementation could start, De Beers sold its shares in the Williamson mine to Petra Diamonds, which did not continue the partnership and thus left artisanal miners disillusioned. Petra's first annual report after acquiring Williamson Diamonds in 2009 did not even mention artisanal mining.⁴⁰ Petra's sustainability reporting around that time classed artisanal miners not as stakeholders in its operations but rather as risks to be mitigated.⁴¹

By 2016, Williamson mine's **social licence was at such a low ebb** that its own community liaison officer was quoted as saying that the mine *"cannot employ local youth for fear of helping the expansion of a large network that steals our diamonds ... This mine exists legally and we will continue to fight these youths until they leave us alone"*.⁴² Another Williamson representative was quoted by locals as having responded to their request for supporting a piped water system with the remark that *"giving water to you is like giving blood to an enemy"*.⁴³

1.3. A heavy-handed response to intrusion comes to light

2011: MPs sound alert on the perpetration of violence

As early as 2011, two opposition members of Tanzania's Parliament sounded the alarm over reports of harassment, beatings, torture, unjustified imprisonment and killings of ordinary citizens trespassing on the Williamson concession.⁴⁴ They called upon the government to take action to end these abuses and ensure appropriate compensation for the harms suffered by local communities. Several reports, mainly in Tanzanian media, continued to flag similar concerning incidents in the years that followed.⁴⁵

2019 IPIS surveys unearth profound ongoing grievance

In researching a 2019 report on community perceptions of industrial mines in northwest Tanzania, IPIS surveys in 11 villages surrounding the Williamson mine brought to light the ongoing widespread and seemingly systematic nature of abuses being perpetrated against locals. While the surveys covered a wide range of issues spanning corporate social responsibility for employment to nuisances and harms, interviews were in the large majority of cases overshadowed by **profound grievances and resentment following excessive use of force and inhumane or degrading treatment** by the mine's private security guards.⁴⁶ Reports referred not only to artisanal miners intruding on the mine as targets for such abuse, but also local residents who, often unwittingly, entered the unfenced and poorly demarcated concession to sustain their livelihoods through the collection of firewood or herding of livestock.

40 Petra Diamonds, Annual Report 2009 (London, 2010), 104p.

41 Petra Diamonds, Sustainable Development Report 2012 (London, 2013), pp. 15, 43 and 50.

42 Maduhu M., 'Ripoti Maalumu: Siri vijana kuvamiangodi wa almasi hii', Nipashe, 24.10.2016 (own translation from Swahili).

43 Mwaipopo R., 'Ubeshi – Negotiating co-existence: Artisanal and large-scale relations in diamond mining', in Bryceson D.F., Fisher E., Jønsson J.B. and Mwaipopo R. (Routledge, London, 2014), p. 170.

44 Parliament of Tanzania, Debate of fourth meeting, twenty-sixth session, 15 July 2011, pp. 96-97 and 112-113.

45 See for instance: Rawoot I. et al., Dirty Profits Exposed (Facing Finance, Berlin, 2013), 58p.; Maduhu M., 'Ripoti Maalumu: Siri vijana kuvamiangodi wa almasi hii', Nipashe, 24.10.2016; Tanzania Media Foundation, 'How Diamond Barons Use Youths to Steal Sand Containing Gemstones in Kishapu District in Shinyanga Region', TMF Newsletter, 2017, Issue 1, pp. 14-18; Maduhu M., 'Have shootings come to an end for 'jobseekers' at Mwadu mine', The Guardian (Tanzania), 13.01.2017.

46 IPIS, Dissecting the social license to operate: Local community perceptions of industrial mining in northwest Tanzania (Antwerp, 2019), pp. 46-47.

Respondents regularly referred to a climate of fear and **intimidation**, through criminal prosecution, threats and violence, that deterred victims from reporting or speaking publicly about these abuses. This explains why abuses largely remained under the radar. IPIS reached out to the Williamson mine's general manager in 2018 to announce the surveys and in 2019 to discuss the results, but in neither instance received any response.

KP Civil Society Coalition brings abuses to Petra's attention

In May 2019, the civil society coalition acting as watchdog of the Kimberley Process, a UN-mandated scheme to address conflict diamonds, wrote to Petra Diamonds to seek its response to allegations of human rights abuse at the Williamson mine. Petra replied that it was aware of "allegations similar to those you highlight in your letter, relating to the private security company employed by Williamson Diamonds Limited", but added that "to date **no allegations have been substantiated**".⁴⁷ The response did not mention whether Petra had investigated such allegations itself. Instead, it went on to refer to training provided to security agents and to its comprehensive stakeholder engagement plan.



▲ **Figure 1.4: Group photo of Zenith security guards at the Williamson mine (Photo: Facebook, 2019)**

2020: RAID Investigates

The UK-based NGO RAID conducted an in-depth investigation into these allegations and in November 2020 published an **appalling and detailed account** of the human rights abuses alleged to have been perpetrated by the Williamson mine's private security guards.⁴⁸ The report includes testimonies of people shot with little or no warning, and of intruders who had surrendered being stabbed, stripped and beaten by guards. Many of those suffering such violence were allegedly subjected to further degrading treatment during their subsequent incarceration. Said to have been held for days in a cramped and filthy detention centre at the mine's entry gate, or handcuffed to hospital beds at the mine's medical facility. Interviewees alleged being deprived of food and appropriate medical treatment. Most testimonies pointed to the mine's private security contractor, Zenith Security, as the sole perpetrator of these acts.

Zenith worked under the supervision of the mine's management, and regularly cooperated with the Tanzanian police force. The latter has a permanent station in Mwadui, with – according to Petra – "normally between 20 and 25 Tanzanian Police members deployed at the Mine by the Tanzanian Government".⁴⁹ Cooperation with the police is governed by a memorandum of understanding, which Petra has not made public, but which it states was last updated in 2019.⁵⁰ While RAID found little indication that the police had sought to ensure accountability for any abuses, with two exceptions, none of the many abuses RAID documented involved the police.⁵¹ In total, RAID found evidence of at least ten killings and 50 assaults,⁵² but suggests that these are likely to be only a fraction of the total.⁵³ Many locals IPIS spoke with in the past year equally assumed the total number of victims is much higher (see Box 2 for excerpts from select testimonies collected by IPIS).

47 Kimberley Process Civil Society Coalition, *Real Care is Rare: An on-the-ground perspective on blood diamonds and the fifth 'C'* (Harare, 2019), pp. 22-23.

48 RAID, *The Deadly Cost of 'Ethical' Diamonds: Human Rights Abuses at Petra Diamonds' Tanzanian Mine* (London, 2020).

49 Petra Diamonds, Update regarding allegations of human rights abuses at the Williamson Mine in Tanzania, 9.2.2021, p. 2.

50 Ibid.

51 RAID, *The Deadly Cost of 'Ethical' Diamonds: Human Rights Abuses at Petra Diamonds' Tanzanian Mine* (London, 2020), pp. 27-28.

52 RAID, 'New Shootings and Assaults at Petra Diamonds' Williamson Mine in Tanzania', 11.2.2021.

53 RAID, *The Deadly Cost of 'Ethical' Diamonds: Human Rights Abuses at Petra Diamonds' Tanzanian Mine* (London, 2020), p. 15.

Box 2: Selected excerpts from testimonies collected by IPIS in 2022-2023

“I was caught by two guards of the Williamson mine while mining for diamonds. They beat me with a baton and then unleashed their dog who bit me in various parts of my body. They shot at me and pulled out one of my nails. I lost consciousness and they left me for dead.” *(Incident from 2017).*

“I was herding my cows near Mwadui when I suddenly saw a group of guards who yelled “stop”. I was scared and ran away. They shot me in the back several times. I was gravely injured and taken to Mwadui hospital, where they removed my spleen. I still have several bullets in my body. When I was strong enough to leave the hospital they took me to court. One of the guards who shot at me testified as a witness against me. I was sentenced to one year community service. This was very hard, as to this day, I can still not do any hard work because of the pain in my back and hips.” *(Incident from 2012).*

“With two other women from my village I was cutting wood to sell it and make a living. I was caught by Williamson guards who beat me, humiliated me by forcing me to squat and strip for them. They then raped me while making burns with a cigarette on my back.” *(Incident from 2017).*

“I was caught by guards while intruding on the mine. They beat me and followed me to my house which is very close to the mine. They shouted that I was hiding intruders in my house and smashed everything to pieces.” *(Incident from 2018).*

“I was walking to Mwadui to sell tomatoes. The guards stopped me and started punching me. They ordered me to jump like a frog while singing songs for a very long time, which caused a lot of pain to my legs and hips. I was five months pregnant and lost my baby shortly after.” *(Incident from 2017).*

“I was digging for diamonds close to the dam of the Williamson mine. Twelve guards arrived and started hitting me on the knees with clubs. One guard hit me very hard in the chest with the back of his gun. They ordered me to roll in the mud while shouting all kinds of insults at me.” *(Incident from 2013).*

“I was cutting wood for cooking with some friends when guards came. We all ran away, but as I was three months pregnant, I was too slow and got caught. They said I was under arrest and laid me on some large leaves in the bush. They raped me in turns. I could not save myself as they were very strong.” *(Incident from 2018).*

“I was on my way to Mwadui hospital to visit my nephew who had been beaten when he was caught while mining on the concession. I had already passed through the main gate when I was stopped by guards and called into their office. They asked me where I was going. When I explained they shouted that I was responsible and that it was me who had sent my nephew to search for diamonds. They started beating me endlessly with their sticks. They then threw me in their truck and dumped me somewhere on the concession. I was treated in the village dispensary, but my back and foot still hurt today.” *(Incident from 2013).*

“My husband went to the Mwadui mine to dig for diamonds. He was caught by guards who beat him all over his body with whatever they had on them. His friends brought him home. He had serious injuries in the waist and on his legs. I treated his wounds and bought medicine, but we did not have money to bring him to the hospital. After one month he died and left me a widow.” *(Incident from 2017).*

“I used to be part of a covert diamond mining operation on the Mwadui concession. We had an agreement with security guards that allowed us to work there in return for a share of the profits. One day we were going to get caught by another patrol and so the guards turned against us. They started shooting at us with bullets filled with some kind of metal projectiles. I got hit in my back and arm. These bullets are still in my body today.” *(Incident from 2016).*

“Five of us were digging sand close to the Williamson mine. Suddenly we saw four Zenith guards coming towards us. We all started running, but when I heard a gunshot I got scared and stopped while my colleagues ran away. After surrendering, the guards started beating me with their batons on my head, shoulders, back, arms and legs. In the chaos, a kind of metal talisman that I wear around my neck to bring me luck while digging for diamonds, fell on the ground. One of the guards grabbed it and stabbed me with the metal in my left leg, pulled it out and stabbed me again. When they were done, they put me in their pick-up truck and locked me in the detention centre at the mine’s gate where I stayed two days without any medical care. My leg was bleeding a lot and got infected. They then brought me to the Shinyanga police station. The next day I was taken to court where they read the charge accusing me of theft and looting, which I denied. The judge decided to let me free. I went straight to my village health centre where I finally got treatment.” *(Incident from 2017).*

“I was cutting firewood with another mother when three guards arrived and grabbed us. One of them picked a piece of wood I had assembled and hit me with it. He ordered me to pick up the wood and give it back to him and then beat me again. Another guard punched me in the face with his fist and broke one of my front teeth.” *(Incident from 2016).*

“I was walking on the main dirt road towards Ng’wagh’olo when I encountered a bunch of guards who asked me where I was going and whether I had seen any intruders running away. Then, out of nowhere, they started beating and kicking me. When they were done, they threw me into the bush on the Williamson concession. Employees from Caspian, a service company of the mine, found me and brought me to the Mwadui hospital. The next day I got a visit from Williamson security guards who threatened me to never speak about the beating, which I did in order to get medical help. I ended up staying six months in the hospital. After that I had to continue treatment on my own. To this day my leg still feels sore and tense from time to time.” *(Incident from 2014).*

In a follow-up report of February 2021, RAID disclosed how Zenith guards had deliberately swapped rubber projectiles with metal shot in their weapons. These spread when fired, causing indiscriminate injury and even death to locals and thus constitute an “especially egregious violation” of international standards.⁵⁴ RAID’s investigations equally confirmed how those who speak out about abuses face harassment and intimidation, while hardly any perpetrators have been held to account or faced any adverse consequences.⁵⁵

Petra listing undermines credibility of ethical standards

Notably, given the image- and perception-sensitive nature of the diamond industry, RAID questioned how Petra Diamonds had been able to promote itself, attract investors and sell its diamonds on the basis of its **supposed “high ethical standards”** and “positive role” in the lives of local communities.⁵⁶ Despite repeated reports of human rights abuses at its Williamson mine, Petra Diamonds had managed to obtain a listing on the London Stock Exchange’s FTSE4Good Index in 2016 and go on to maintain this until 2020.⁵⁷ This prominent index rates a company’s environmental, social and governance (ESG) measures to support “investors that wish to encourage positive change in corporate behaviour and align their portfolios with their values”.⁵⁸

Despite the human rights controversy surrounding its Williamson operations, Petra has continued to refer simply to the **Kimberley Process** – an infamously flawed certification scheme aimed solely at preventing the trade in diamonds that fund civil war⁵⁹ – as its guarantee that “100% of Petra’s production is fully traceable and conflict free”.⁶⁰ In a 2018 rights

prospectus Petra referred to efforts by NGO’s to increase consumer awareness of the Kimberley Process’ limitations “including the potential widening of the definition of ‘conflict diamonds’ to include other human rights abuses” as a risk that “could affect consumer demand for polished diamonds, decrease demand for rough diamonds in the future and result in additional regulatory requirements on the company”.⁶¹

1.4. The claim and the settlement

A petition for redress triggers engagement

In May 2020, British law firm Leigh Day notified Petra that it had filed a claim against the company in the **High Court of England and Wales** under the instruction of 35 Tanzanian individuals.⁶² These claimants included family members who alleged that their relatives had been killed at the mine, and others who claimed they had themselves been shot or seriously abused by the mine’s guards. This claim, combined with RAID’s detailed allegations, appears to have incited a more serious response from Petra and its new CEO Richard Duffy, who took office in April 2019.

In September and November 2020 **Petra issued statements in which it claimed to take the allegations “extremely seriously”** and to be working hard to address them “as a matter of urgency”.⁶³ Petra’s board formed an independent subcommittee to oversee the matter. It also initiated an investigation by a specialist external adviser and appointed an external consultant to assess the management of its security in line with the Voluntary Principles on Security and Human Rights (or VPSHR, the main international standard for the conduct of corporate security operations). In addition, Petra took a number of immediate “enhancement measures”, including the

54 RAID, ‘Guards at Petra Diamonds’ Tanzanian mine deliberately modified ammunition to inflict greater damage’, 25.3.2021.

55 RAID, *The Deadly Cost of ‘Ethical’ Diamonds: Human Rights Abuses at Petra Diamonds’ Tanzanian Mine* (London, 2020), p. 31.

56 *Ibid.*, pp. 45-48.

57 For instance: Petra Diamonds, *Annual Report and Accounts 2019: Foundations for the future* (London, 2020), p.1.

58 FTSE Russell, ‘FTSE4Good Index Series: Pioneering global ESG indexes’ (London, 2020), p. 1.

59 For more on this see: IPIS, *Belgium’s fight against conflict diamonds: an assessment of the country’s diamond sector controls from a global perspective* (Antwerp, 2021), pp 42-52.

60 Petra Diamonds, *Sustainable Development Report 2012* (London, 2013), p. 5.

61 Petra Diamonds, *Rights Issue Prospectus* (London, 2018), p. 28.

62 Leigh Day, *Claim is filed over alleged human rights abuses at Tanzanian diamond mine*, 9.9.2020.

63 Petra Diamonds, *Statement regarding allegations of human rights abuses at the Williamson Mine in Tanzania*, 9.9.2020; Petra Diamonds, ‘Statement regarding allegations of human rights abuses from RAID’, 12.11.2020.

development and implementation of a comprehensive stakeholder engagement plan, the opening of a new and accessible community office with a dedicated grievance desk, a tender process to appoint a new security contractor, the suspension of Williamson Diamonds' Head of Security and Head of General Services, the closure of the on-site facility used as a detention centre, and an upgrade of Mwaui's medical facility to ensure the security of patients awaiting court appearance.⁶⁴

An extensive settlement

On 12 May 2021, Petra reached a settlement without admission of liability, with what had become 71 claimants represented under the Leigh Day petition. In doing so, Petra agreed to a comprehensive **settlement package** worth £4.3 million (ca. €5 million). That package includes compensation for victims, a contribution to claimants' legal expenses, funds to invest in programs dedicated to providing long-term sustainable support to the communities living around the mine, and the establishment of a new and independent grievance mechanism. The latter will "operate according to the highest international standards", consider any potential human rights violations and provide remedy as necessary.⁶⁵

The settlement included a provision to compensate **25 further claimants** brought forward during the final stages of negotiations. These claimants mainly consisted of alleged victims of sexual violence, and a child who had suffered a life-threatening open skull fracture. The nature and complexity of these cases had meant that these claims required more time for evidence gathering and verification, delaying their inclusion in the original filing. This second and final settlement was reached on 18 October 2021.⁶⁶ It was not communicated whether it encompassed any further financial commitments on Petra's part. It did mention provision to support claimants through financial training, accessing medical assistance and

the delivery of a gender-based violence campaign with specific support and counselling for victims.

The settlement terms prevent Leigh Day from representing any additional victims that might still come forward with allegations of human rights abuse linked to the security arrangements at Williamson. Nevertheless, the law firm continues to **monitor the performance** of these measures and has stated it "will intervene if we consider that Petra is not fulfilling their obligations".⁶⁷ It remains to be seen if and how any future claims would be complicated by Williamson Diamonds' new shareholder structure, which no longer has Petra, nor any other entity, as majority owner.

An insightful investigation by an independent subcommittee of Petra's Board

Whilst Petra has not admitted any legal liability, the investigation overseen by an independent subcommittee of Petra's board led the company to acknowledge that past incidents at the Williamson mine "**regrettably resulted in the loss of life, injury and the mistreatment of illegal diggers**".⁶⁸ These incidents involved Williamson's "third-party security provider Zenith Security as well as the Tanzanian Police Force", but "no evidence emerged that [Williamson Diamonds] personnel were directly involved in these actions".⁶⁹ The summary of the findings of the independent board subcommittee, published by Petra, offer insight into the company's reading of events, how they had been allowed to escalate to such a degree, and how the company aims to prevent such a scenario in future.

Whilst acknowledging that "**illegal mining**" is for many a means of supplementing income, the investigation mentions evidence of organized incursions, anecdotally sponsored by illicit diamond dealing syndicates. These include parties of illegal diggers that "range from small, to much larger groups of up to 200 people, with some armed with slingshots,

64 Ibid.

65 Petra Diamonds, Settlement of human rights claims at Williamson Diamond Mine, 12.5.2021.

66 Leigh Day, Settlement agreed with Petra Diamonds Ltd for alleged victims of sexual abuse, 18.10.2021.

67 Leigh Day, Petra Diamonds Ltd: 96 clients received compensation following serious human rights abuses, 12.5.2021.

68 Petra Diamonds, Settlement of human rights claims at Williamson Diamond Mine, 12.5.2021.

69 Ibid.

machetes and clubs”.⁷⁰ Petra’s investigation into incidents between 2011 and 2021 established that most incursions were dealt with peacefully, and only a number involved violence. This caused injuries to “a number of [...] illegal diggers” and “many Zenith Security guards and members of the police ... as well as damage to property and equipment, including vehicles used by the [Tanzanian Police Force] and Zenith Security”.⁷¹

Referring to difficulties in determining exact details and numbers of incidents, the investigation nevertheless **confirmed the deaths of 12 illegal diggers, and the likely deaths of four others**; some of them killed by Zenith, and at least one by the police.⁷² At no point do the published findings refer to violence against people other than illegal miners, such as herdsmen or women fetching firewood. With the exception of one guard jailed for manslaughter following a trial in Tanzania, the investigation was unable to determine whether Zenith was criminally liable for any of the other deaths.

The investigation further addressed several **specific allegations**. For example, Petra reported that whilst considered standard in Tanzania, Williamson Diamonds had now stopped the practice of handcuffing patients to their beds, and installed a separate and secured private ward to accommodate those in detention. It additionally reminded all security and medical personnel of the procedures in providing care to patients in detention or custody. Petra had initially claimed that the now-closed detention facility at the mine’s gate was exclusively used by the police and never by private security guards. The investigation concluded, however, that Zenith initially operated the facility and, even after handing it over to the police in 2016, had remained at times “in de facto control of the holding rooms”.⁷³ Finally, the investigation found that Zenith personnel had indeed adapted ammunition to fire stone pellets or metal projectiles instead of the authorized rubber baton rounds, and likely “on more than one occasion”.⁷⁴



▲
Figure 1.5: Signboard of Petra Diamonds' Williamson diamond mine (Photo: IPIS, 2018)

70 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.

71 Ibid.

72 Ibid.

73 Ibid.

74 Ibid.

Notably, the investigation established that the **management of Williamson Diamonds and reasonably senior levels within Petra had been aware of the details of many of the incidents**, including some of the fatalities. It noted that allegations, including those communicated by the Kimberley Process Civil Society Coalition in 2019, were not reported to Petra's board nor to its Executive Committee, which assists the CEO in performing his day-to-day duties and activities. This lack of attention for and engagement on serious human rights concerns indicates that the company, from its highest levels, disregarded its corporate responsibility as outlined in the UN Guiding Principles on Business and Human Rights. This explains why human rights were never considered a "material risk" to Petra's business in its annual reports since 2014 and until 2019.⁷⁵ To avoid this from happening again, it was decided to adjust the reporting structures of Williamson Diamonds and Petra, with a revised incident escalation procedure and two independent reporting lines providing information to the board and senior management. Furthermore, disciplinary processes were instigated that led to "certain individuals" leaving the company.

Compensation as true redress?

A key component of the settlement was the compensation for 96 alleged victims. The parties did not communicate how much of the total settlement amount went to compensation. Claimants received an amount based on the severity of their alleged injuries, disabilities and medical needs. The money was distributed by Leigh Day following a **financial support program** for which a specialized Tanzanian partner, Thubutu Africa Initiatives (TAI), was engaged. This involved a one-week hands-on group training, in which participants were, among other things, connected to various financial institutions and health insurance providers, as well as three months of individual mentorship to help ensure the most impactful and sustainable use of the compensation money.⁷⁶

This widely-publicised settlement received much attention in the villages around Mwadui. While IPIS noted some sentiments of envy among a few

residents during its stakeholder interviews, in general the compensation appears to have been **welcomed locally** as the right thing for the mine to do and for claimants to receive. Many people noticed how those who received compensation managed to improve their quality of life by building a new house, setting up or expanding a local business or a farm, or buying farming equipment, such as a tractor. One man testified:

"Due to my injuries, I cannot do any hard work or take a permanent job. With the settlement money I managed to buy a house that I rent out to another family. This provides me finally with a steady income again that I use to feed my family. My boys stopped intruding and are now farming. Our lives have really improved."⁷⁷

Those claimants interviewed by IPIS all made well-considered investments. Nevertheless, a recurring statement was that **no money could undo the pain caused** or the loss of their loved ones. Moreover, several interviewees found that the compensation amount was not commensurate to the long-term loss of income suffered as a result of work that they or their family members are no longer able to do.

Other key elements of the settlement package included community projects, a medical support program, managed community access to the concession, setting up grievance mechanisms to deal with human rights abuses and daily operational nuisances, access to medical records, and a human rights defender policy. These different aspects will be discussed throughout this report: the community projects in the section below, the changes in access, security and human rights policies in Chapter 3 and the grievance mechanism and access to documents in Chapter 4.

75 Petra Diamonds, *Annual Report and Accounts 2019: Foundations for the future* (London, 2020), p. 40; Petra Diamonds, *Annual Report and Accounts 2018: Entering a new phase* (London, 2011), p. 47; Petra Diamonds, *Annual Report and Accounts 2017: Driving Forward* (London, 2018), p. 45; Petra Diamonds, *Annual Report and Accounts 2016: Strong under pressure* (London, 2017), p. 51; Petra Diamonds, *Annual Report and Accounts 2015: Shaping our future* (London, 2016), p. 45; Petra Diamonds, *Annual Report and Accounts 2014: Consistent delivery* (London, 2015), p. 50.

76 IPIS Interview Jonathan Kifunda, Executive Director of Thubutu Africa Initiatives, 13.2.2023.

77 IPIS interview with local resident, 11.2.2023.

1.5. Restoring justice through community development

As part of the settlement, a number of what have been called “restorative justice projects” are being rolled out over a three-year period. These aim at building “a healthy, lasting, and resilient relationship with the Mine’s neighbours”.⁷⁸ The projects are additional to Petra and Williamson Diamonds’ ongoing “corporate social responsibility” support.⁷⁹ To fund these projects, Petra has deposited over £1 million of the settlement money in an escrow account. The consultancy firm Synergy was appointed to manage the funds and to formulate and implement projects in close cooperation with communities and local NGOs.⁸⁰ Following a community assessment process, in October 2021 Petra committed to supporting income generation activities in two key livelihoods for communities around the Williamson mine: namely, through an Agribusiness Development Initiative (ADI) and an Artisanal and Small-Scale Mining (ASM) Project.⁸¹ Synergy’s first progress report on these projects was published on Petra’s website in July 2023. It describes the roadmap for the ADI and the difficulties of moving forward on any of the identified options to support ASM. Whilst not part of the settlement package, a third project was presented as one of the restorative justice measures. It consists of a sexual and gender-based violence (SGBV) campaign. The status of these efforts and how they are received locally is set out below.

The agribusiness development initiative

The ADI aims to help diversify economic opportunities in the communities around the mine by supporting sustainable and self-sufficient agribusinesses. The Tanzanian consultancy firm Space and Development (SpaDe) was selected to assess the existing context, consult stakeholders, identify opportunities for successful partnerships, and evaluate the impact of prospective interventions. SpaDe’s feasibility study was concluded in February 2022 and set out a participatory

project design with local communities and government to support rainwater collection and chicken rearing.

Rainwater collection is to be improved through the construction of Charco-dams, which are deep small-scale reservoirs used across Tanzania’s flat semi-arid areas by households and farmers. This would address a cross-cutting water need that was identified in the feasibility studies for ASM, ADI and SGBV. The studies estimated that 75% of the population around the Williamson mine is not satisfied with water access, while 35% has to walk over 1 km to access water.⁸² SpaDe, which has also been selected as implementation partner, is currently awaiting the identification of an appropriate site by village authorities to pilot the construction of one Charco-dam and one well. This pilot will serve to test the water provision model as well as processes for its use and management. It might also contribute to mitigating the impacts of the mine’s tailings dam breach that complicated water access for households and their livelihoods around the mine (see Chapter 2).

A second focus area of the ADI is to increase the number of households involved in commercialized small and medium-scale **chicken rearing**. The aim is to increase participants’ household income from its current monthly average of TZS 254,839 (ca. €95) to at least TZS 400,000 (ca. €150) per month. This will be done through a combination of enhancing local knowledge on modern mixed breed chicken keeping, veterinary and support services, and offering timely market information. In July 2023, Synergy reported the commencement of a pilot project, including the on-boarding of participants, baseline assessments and training of 100 people on chicken rearing. It also noted the decision to commit the remaining funds in the settlement’s escrow account to the furtherance of the ADI project.⁸³

78 Petra Diamonds, ‘Williamson Mine: Update on IGM and Community Projects for Q4 FY 2022’, 19.7.2022; Synergy, Report on the progress of the income generating programmes for Agricultural Development and Artisanal Small-scale Mining (Oxford, 2023), p. 2.

79 Leigh Day, Settlement agreed with Petra Diamonds Limited following claims of serious human rights abuses, 12.5.2021.

80 Petra Diamonds, ‘Update on remedial programmes at the Williamson Mine’, 26.10.2021.

81 Ibid.

82 Synergy, Report on the progress of the income generating programmes for Agricultural Development and Artisanal Small-scale Mining (Oxford, 2023), pp. 2-3.

83 Ibid., p. 6.



Figure 1.6: Artisanal diamond miners at work near Ng'wagh'olo village (Photo: IPIS, 2023)

The artisanal and small-scale mining project

The idea of the second restorative justice project is to offer support to the other main livelihood for communities around Mwadui, artisanal and small-scale mining. **Shortly before the settlement, two initiatives had already tried** to support the local ASM diamond sector.

A first effort was instigated by the government and required Williamson Diamonds to **market 5% of its diamond production locally**, rather than through international auctions. Several such attempts in 2020 however were not very successful, with local traders citing problems with the overvaluation of diamonds, especially when combined with the obligation to pay 18% VAT. While the local marketing requirement is temporarily abandoned, mining authorities are exploring the possibility of lowering VAT for the local trade.⁸⁴

Secondly, in early 2021, Petra started a first initiative to support artisanal miners by allowing them to **process old tailings material** from the Williamson mine in a formalised and controlled manner.⁸⁵ For this purpose, Petra concluded a memorandum of understanding with the Shinyanga Regional Miners' Association (SHIREMA) and local government authorities. This initiative involved the construction of a dedicated site with numerous diamond washing plants and the establishment of a procedure for interested miners to register in groups. Thousands of miners from all over the country reportedly rushed to Maganzo to participate in this widely publicised initiative.⁸⁶ However, after only a few weeks the site was abandoned, and the initiative paused. Respondents cited various reasons: poor diamond recovery, low prices due to the Covid-19 pandemic and chaotic management.

84 'Dar es Salaam banks on Williamson mine to develop diamond industry', Africa Intelligence, 23.11.2022.

85 Petra Diamonds, Update regarding allegations of human rights abuses at the Williamson Mine in Tanzania, 9.2.2021, p. 5.

86 IPIS Interview with SHIREMA representative, 15.2.2023.

Petra's new **restorative justice project** for ASM has been presented more broadly as an effort to support sustainable, responsible and legitimate artisanal diamond mining. It has a threefold objective: to "increase economic and wider community benefits, improve the relationship between [Williamson Diamonds] and surrounding communities, and reduce incentives for illegal diamond mining on the mine".⁸⁷ This shift in corporate culture towards more constructively supporting ASM as a viable livelihood is noteworthy. It is also reflected in the May 2022 revision of Petra's Human Rights Policy, which explicitly acknowledges the company's responsibility for "[a]voiding damaging as far as possible [...] those whose livelihood has historically been reliant on artisanal mining".⁸⁸

Having completed a pre-**feasibility** study in 2021, Synergy selected the UK-based consultancy firm TDI Sustainability and the international NGO Solidaridad in July 2022 to conduct a feasibility study for the settlement's ASM project.⁸⁹ This study developed and subsequently explored the viability of three potential models for ASM support: (1) the creation of a "sacrifice zone" for artisanal miners to exploit on the Williamson concession, (2) service provision outside the concession to complement and enhance existing ASM activity, and (3) ore sharing from the mine's main pit via a dedicated processing facility off-site. The feasibility assessment discarded all three models for reasons that include a breach of restrictions contained in the license terms, high start-up costs, uncertainty of the economic benefit to surrounding communities, and concerns about health, safety and environmental risks.

Further consultation with technical experts at Petra and Williamson Diamonds led to the identification of a fourth option: sharing stockpiled oversize kimberlite rocks from the main pit that are too large

to feed into the mine's processing plant. This option was considered more viable than the others given "the relatively high carat yield of the oversize while [Williamson Diamonds Limited] has no immediate plans to process the material".⁹⁰ The plan would be to embed the sharing of oversize kimberlite rocks into a broader approach that includes the set-up of an ASM processing plant and village savings and loan associations to organize capacity-building, participation and profit sharing. To test practical feasibility and spread risk, the proposal was to follow a phased approach, starting with the handling of the kimberlite oversize by the ASM community and then using the emanating revenue to finance the establishment of a processing plant. However, the high overall uncertainty of productivity and sustainability, as well as the significant financial investment required to test the project, led the study team and Synergy to conclude that this fourth scenario should also **not be proceeded with for now**.

Consequently, Synergy advises the development of an **ASM engagement strategy** in line with current global best practice for mining companies. In a response letter to questions raised by IPIS, Petra specifies that this strategy is currently being developed, while potential ASM projects will be kept under review.⁹¹ Community stakeholder meetings were undertaken in June and July 2023 to provide feedback on the results of the ASM feasibility study. Rumours of Williamson's plans to award a plot of land and mining equipment to artisanal miners were already circulating in February 2023. The decision not to move forward with any of the models on which they were consulted may not be easy for the ASM community to digest. Good communication and ongoing expectation management will be key to avoid that this group again feels abandoned by the mine, as happened after the abrupt ending of several previous initiatives to support and enhance relations with artisanal miners.

87 Petra Diamonds, 'Update on remedial programmes at the Williamson Mine', 26.10.2021, p. 2.

88 Petra Diamonds, Human Rights Policy Statement (London, 2022), p. 4.

89 Synergy, Report on the progress of the income generating programmes for Agricultural Development and Artisanal Small-scale Mining (Oxford, 2023), p. 2.

90 Ibid., p. 4.

91 Petra Diamonds response letter to IPIS, dated 24.8.2023 (not published).



Figure 1.7: Main street in Mwadui Luhombo village (Photo: IPIS, 2023)

The sexual and gender-based violence campaign

The SGBV campaign is not focused on the specific impact of the mine's security operations. Rather, it aims to address the reportedly rampant practices of gender-based violence in Shinyanga region more broadly⁹² by promoting long-lasting cultural change with respect to accountability and community awareness. This project commenced in December 2021 and is the most advanced of Petra's community projects. The SGBV campaign is closely coordinated with local government authorities and implemented by the Dar es Salaam-based NGO Her Dignity in cooperation with the Shinyanga-based partner AGAPE. Her Dignity and AGAPE set up and trained a network of 22 community volunteers, called animators, in 11 villages around the mine. In February 2023, Petra reported the training of 2,800 people on SGBV issues, the organization of

305 women in 12 survivor groups, the creation of SGBV student clubs in high schools and the plan to develop income generating projects for survivors.⁹³ The 22 animators play a central role in these activities through community awareness-raising outreach and engagement. The appreciation for their role was confirmed in various interviews conducted by IPIS.

Building trust

Petra aims to enhance awareness and understanding of the initiatives to restore community relations via the use of radio transmissions. By February 2023, four 15-minute radio shows had been broadcast on the delineation of and managed access to the concession, the SGBV project, Christmas wishes and general updates, and **medical support**.⁹⁴ The latter is another recent initiative by Petra to provide medical assistance to, among others, victims of violence by the mine's private security guards. This project kicked-off in

92 'Lake Zone leads in gender-based violence, early marriages', The Citizen, 9.3.2018.

93 Petra Diamonds, Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023, 21.2.2023.

94 Ibid.

January 2022 and included physiotherapy screening, surgery, psychosocial support, orthopaedic equipment and the provision of medication.⁹⁵ Through satellite services medical screening is brought closer to local communities. Due to the high demand, Petra reported in February 2023 that it was providing additional funding for the project.⁹⁶

Petra's **communication efforts** are important. IPIS noticed that a large majority of respondents had either not heard about the above projects or were eagerly awaiting updates on initiatives that were announced months ago but on which they had seen no action since. Given past experiences, this quickly generates suspicions of broken promises that risk undermining efforts to restore community relations.

When IPIS surveyed local residents and leaders in 11 villages around Williamson on the positive and negative impacts they associated with the mine in 2018-2019, **community perceptions** were very much tainted by the overriding concerns, frustrations and fears regarding the violence and human rights abuses committed by the mine's security guards. IPIS' recent interviews with around 30 local stakeholders point to slightly improved community perceptions of the mine. The most visible benefit of the mine for these respondents are its corporate social responsibility (CSR) contributions. Various interviewees referred to investments in their villages, such as support for building classrooms, dispensaries, a bus terminal, or tree planting. Only a few respondents referred to other types of benefits like employment generation, road maintenance, or opportunities for petty trade with Williamson mine staff.

At the same time, it is clear that there continues to be much **mistrust** among local residents and that it will take time for all old (and recent) wounds to heal. Various respondents referred to the Williamson mine

as an unreliable actor that regularly breaks promises. Part of the explanation arguably lies in the fact that these people are not, insufficiently or erratically reached by the mine's communication and community engagement efforts. A recurring frustration among respondents is that they hardly ever see or hear people from the mine. Frequent casual interactions with company staff, in addition to formal channels for meaningful and regular community engagement, were identified in previous IPIS research as one of the best ways to manage community expectations, create mutual understanding and prevent harm from occurring or escalating.⁹⁷ The absence of such contact feeds criticism. One respondent for instance denounced that, *"With all that Williamson has produced and earned over all these years, how can it be that villagers are still desperate for basic things, like water, electricity, food and medical care"*.⁹⁸ Another interviewee lamented that *"Williamson doesn't offer any employment. They think we are all criminals. Even their cleaning staff comes from Arusha"*.⁹⁹ Yet another local stated:

"We hoped for development, but got nothing but violence. We read in the news that there was a case in London, but here where the abuses happened the mine did not even come by with apologies".¹⁰⁰

Other key factors that are currently shaping community perceptions of the Williamson mine are the handling of the tailings dam breach that occurred in November 2022, the overall security and human rights impact and the handling of community grievances – elements assessed in the following chapters.

95 Petra Diamonds, 'Williamson Mine: Update on IGM and Community Projects for Q4 FY 2022', 19.7.2022.

96 Petra Diamonds, Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023, 21.2.2023.

97 IPIS, *Dissecting the social license to operate: Local community perceptions of industrial mining in northwest Tanzania* (Antwerp, 2019), pp. 40-43.

98 IPIS interview with local resident, 10.2.2023.

99 IPIS interview with local resident, 12.2.2023.

100 IPIS interview with local resident, 9.2.2023.

2. And then the dam broke

2.1. The 7 November 2022 tailings dam failure

On Monday, 7 November 2022, a c.150m section of the eastern wall of the Williamson diamond mine **tailings storage facility** was breached, releasing a stream of tailings slurry onto the surrounding area.¹⁰¹ A **tailings storage facility** (or ‘tailings dam’) is an area at a mine site that has been specifically built to safely contain mining waste (i.e., mine ‘tailings’ or rock material left over after processing) and process water, which combined form a kind of slurry. Safely storing mine tailings can be technically challenging but is essential. Tailings can be a dangerous source of toxic chemicals such as heavy metals, sulphides and radioactive content. The purpose of a tailings dam is therefore to contain this material and avoid its release into the environment. The rupture, breach or (partial) collapse of a tailings dam can have far-reaching negative impacts on the environment and communities near them.¹⁰² Tailings dam failures have become a recurring phenomenon over the last decade or more.¹⁰³ In Africa’s diamond mining sector alone, 2022 saw the Williamson mine breach take place only months after a tailings dam collapse in South Africa’s Jagersfontein diamond mine.¹⁰⁴

During the 7 November tailings dam failure, the slurry released by the breach spread in a north-easterly direction. The tailings dam breach and resulting mud flow are clearly visible on satellite imagery (Figure 2.1a-b). Satellite data shows that the mud flow quickly progressed to its maximum extent, covering a total area of c.5.4 km² within one day.¹⁰⁵ The images confirm Petra’s statement¹⁰⁶ that the mud mostly covered an area within the Williamson concession, including the New Alamasi water dam located at the north-eastern border of the permit area (Figure 2.1b). The New Alamasi water dam is a large freshwater reservoir belonging to the mine that is also used as a water source by communities in the vicinity of the Williamson mine. An area of 1.52 km² beyond the concession was also flooded by the slurry.¹⁰⁷ Nyenze and Ng’wagh’olo, two villages located to the north-east of the Williamson mine, were the most impacted. Tailings-rich mud entered local streams, shallow wells, properties and farmland.¹⁰⁸ As seen on satellite imagery, the mud flow didn’t reach the village centres (Figure 2.1b), and no major injuries or fatalities were reported.

101 Petley D., Planet Labs image of the Williamson Diamond Mine tailings dam failure, AGU Blogosphere, 9.11.2022.

102 See for example, the case of the 2019 tailings dam failure at the Córrego do Feijão mine in Brumadinho (Brazil). Darlington, S. et al., ‘Brumadinho Dam Collapse: A Tidal Wave of Mud’, New York Times, 08.2.2019.

103 Islam, K. & Murakami, S., ‘Global-scale impact analysis of mine tailings dam failures: 1915 – 2020’, Global Environmental Change, 2021, 70 (102361).

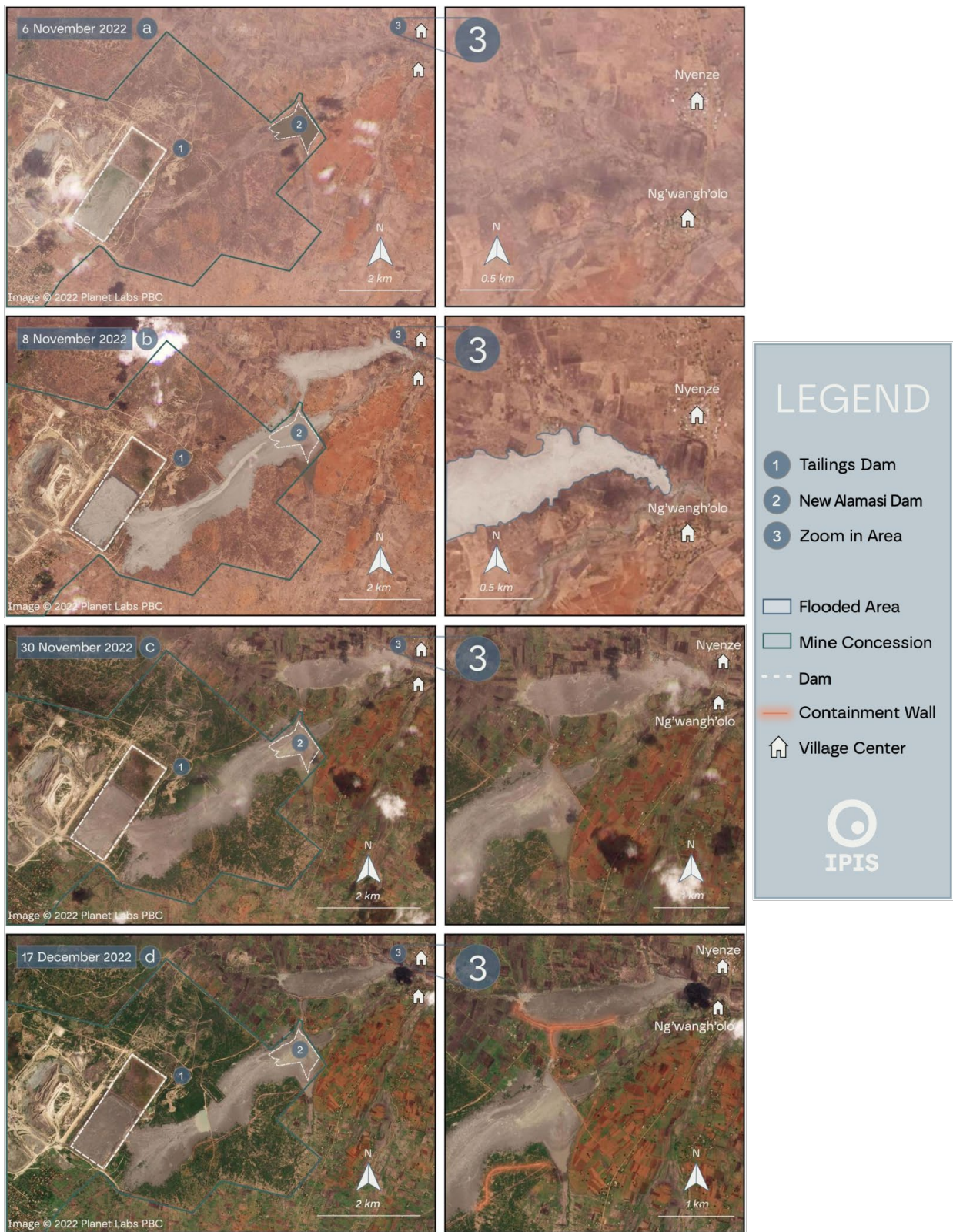
104 Hansen K., Jagersfontein covered in mining waste, NASA Earth observatory, 10.9.2022.

105 As calculated by IPIS from Planet satellite data from 30.11.2022.

106 Petra Diamonds, Update regarding Tailings Storage Facility (TSF) wall breach at Williamson in Tanzania, 30.11.2022.

107 Ibid.

108 Chanzo reporter, ‘Authorities in Shinyanga Investigate Petra Diamonds Dam Breach’, The Chanzo, 11.11.2022.



▲ **Figure 2.1: Planet satellite images of the 7 November 2022 tailings dam breach at the Williamson mine. Situation on the day before (a) and the day after (b) the dam breach (6.11.2022 and 8.11.2022). The appearance of containment walls north and south of the New Alamasí dam in the first half of December 2022 is also visible (c versus d).**

2.2. Petra's response to the breach

In January 2023, Petra reported that a total of 286 individuals from 50 houses were relocated in the aftermath of the tailings dam breach.¹⁰⁹ By mid-January, almost half of these people were reportedly able to return to their homes.¹¹⁰ Others remain accommodated in houses rented by Williamson Diamonds or in alternative accommodation.¹¹¹ Besides providing interim accommodation to those affected, Williamson Diamonds launched a **series of initiatives to remedy the negative impacts** of the tailings dam breach. These include humanitarian relief (e.g. water and food) and psycho-social support, soil rehabilitation projects, precautionary measures such as the building of containment walls and diversion channels to prevent further flooding (Figure 2.1c-d), the construction of a replacement freshwater reservoir for community use, and monetary or in-kind compensation to those who suffered losses.¹¹² Most of these initiatives were developed in close collaboration with and approved by local, regional and national authorities, according to Petra's communication.¹¹³

In July 2023, Petra communicated that it had compensated a total of 303 out of 304 affected people, in line with Tanzanian regulations and International Finance Corporation best practices.¹¹⁴ **Compensation** was offered in two phases. A first phase, completed in April 2023, included compensation for assets and losses of, reportedly, 294 affected people to a total of TZS1.8 billion (ca. €674,000).¹¹⁵ A second compensation phase, completed in June 2023, offered compensation for loss of crops, trees, and business profit, as well as disturbance allowances.

Within days of the tailings dam failure, then-Shinyanga Regional Commissioner Mjema announced an **investigation into the dam breach**.¹¹⁶ On 12 November 2022, the Government Chemist Laboratory Authority released the results of its analysis of water and mud samples taken after the tailings dam breach, reassuring the public that no harmful substances had been found in the sludge.¹¹⁷ In early December 2022, the Director General of the National Environmental Management Council (NEMC), Dr Gwamaka, firmly put liability for the incident with Williamson Diamonds, hinting at faulty construction and the neglect of warning signs in the months prior to the tailings dam failure.¹¹⁸ Petra states that investigations into the cause of the dam breach are ongoing, with a final report expected by the end of 2023.¹¹⁹

Diamond production at the Williamson mine halted on 7 November 2022 and would stay suspended for a little over eight months. On 17 July 2023, the mine received the all-clear from the Tanzanian government to resume production, using a new, interim tailings storage facility. This interim dam is anticipated to stay operational for around two years, until a new long-term tailings dam is again ready for use.¹²⁰

2.3. The lived experiences of affected communities

In February 2023, about three months after the tailings dam breach, IPIS conducted qualitative, semi-structured interviews with 17 first-hand witnesses of the impact of the tailings dam breach (two female, 15 male). Most interviewees (14 out of 17) were community members whose main livelihood activities and/or residence are located in the two

109 Petra Diamonds, Update regarding Tailings Storage Facility (TSF) wall breach at Williamson in Tanzania, 17.1.2023.

110 Petra Diamonds, Williamson Mine: Update on TSF wall breach 21 February 2023, 21.2.2023, p.1.

111 cf. last public communication by Petra at the time of writing: Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.7.2023, p.1.

112 For details, see various statements on: Petra Diamonds, Tailings Storage Facility Wall breach, n.d.

113 Ibid.

114 Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.7.2023, p.2.

115 Butondo, S., 'Waathirika tope la mgodi walipwa fidia Sh1.8 billioni', Mwananchi, 15.4.2023.

116 Chanzo reporter, 'Authorities in Shinyanga Investigate Petra Diamonds Dam Breach', The Chanzo, 11.11.2022.

117 Butondo, S., 'Matokeo uchunguzi tope, majitaka bwawa Mwadui hadharani', Mwananchi, 13.11.2022.

118 Ng'hily, D., 'Williamson Diamond may face NEMC's wrath over facility breach', The Citizen, 11.12.2022; Kiango, B., 'NEMC insists that Williamson liable for dam victim's compensation', The Citizen, 18.12.2022.

119 Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.07.2023, p.2.

120 Maduhu, M., 'RC Mindeme azindua rasmi shughuli za uzalishaji wa almasi mgodi wa Mwadui', Shinyanga Press Club, 17.07.2023.

villages most affected by the breach, Ng'wangh'olo and Nyenze village. Other respondents live and work in the neighbouring villages of Maganzo and Idukilo (Figure 1.2). To earn a living, respondents engaged in subsistence farming, livestock keeping, small business, artisanal diamond mining, or a combination of these.

During interviews, respondents shared their experiences of the impact of the tailings dam breach on their own properties or livelihoods, and on those of the communities they live and work in. They detailed their knowledge and experiences of the remediation initiatives taken by Williamson Diamonds and the Tanzanian authorities in the aftermath of the breach. They also shared their opinions on how adequate and efficient these actions are and how, in their experience, the tailings dam breach affected community relations with Williamson Diamonds.

Between February and August 2023, IPIS gathered periodic updates from selected key respondents based in Nyenze and Ng'wangh'olo on the status of community impacts from the tailings dam breach, and on the status and impact of remediation initiatives.

Immediate impacts

Fifteen of the 17 first-hand witnesses that were interviewed by IPIS in February 2023 were directly affected by the tailings dam breach. These impacts were diverse, from loss of property, land or livestock to loss of income and livelihoods, reduced access to freshwater, and blocked roads complicating access to schools, amongst other things.

Half of the affected people that we interviewed (8 out of 15) had their **houses, farms and/or farmland flooded**. The tailings-rich mud flow moved fast and caught people by surprise. Respondents testified that *"the mud came and we had to run"*.¹²¹ In Ng'wangh'olo and Nyenze, many houses were damaged or even destroyed by the mud flow, while others became entirely surrounded by mud. *"Not normal mud, you sink into it"* according to a farmer from Ng'wangh'olo.¹²² An interviewee from Nyenze estimated that more than 40

houses had been destroyed in Kabondo centre, a sub-village of Ng'wangh'olo located near the New Alamasi water dam. According to a Ng'wangh'olo resident around 45 families lost their homes in his area. While these numbers may be incorrect, they illustrate that the tailings dam mud flow entered into populated areas near the Williamson mine site with significant force, affecting numerous households. According to Petra's communications, 286 individuals from 50 houses were relocated by Williamson Diamonds after the tailings dam breach.¹²³ This number does not account for affected persons who, on their own initiative, moved in with friends or relatives when their houses became (temporarily) uninhabitable. Moreover, various affected people seem not to have been included in remediation initiatives (see next section). As such, they are also not reflected in the numbers communicated by the mine.

Half of the affected people we interviewed claimed to have the land which they used for subsistence farming and livestock keeping covered in tailings-rich mud. The incident therefore left them without land for grazing animals or planting crops. One interviewee from Nyenze lost some of his livestock during the flood. Four acres of his farm were blanketed in mud. He said that, *"I was at a funeral when it happened. I rushed back and was able to rescue some of my livestock, but seven cows got buried in mud."*¹²⁴ Farmers in Nyenze, Ng'wangh'olo and Idukilo foresaw a negative impact on their whole farming season. One farmer from Maganzo, who was renting farmland in the affected area and who had just finished planting, estimated his immediate losses alone to be TZS1.5 million, or ca. €550.¹²⁵ In February 2023, several affected farmers indicated that they were planning to rent, or were already renting, farmland elsewhere in or outside their village, to continue their activities to ensure food and income for their families. All affected farmers/livestock keepers we spoke to worried about how to take care of their families, especially in the short term, now that their livelihood activities had become uncertain.

Farmers, livestock keepers and the communities at large were also badly impacted by the **contamination**

121 IPIS interview with local resident, 10.2.2023.

122 IPIS interview with local resident, 10.2.2023.

123 Petra Diamonds, Update regarding Tailings Storage Facility (TSF) wall breach at Williamson in Tanzania, 17.1.2023.

124 IPIS interview with local resident, 10.2.2023.

125 IPIS interview with local resident, 11.2.2023.

of freshwater sources. Rivers, shallow wells and the area's most important freshwater reservoir (the New Alamasi dam) were all contaminated with tailings-rich mud, and thus unsuitable for domestic or professional use. Respondents said they used to collect water downstream from the New Alamasi dam for drinking and livestock keeping, farming/irrigation, house construction, artisanal diamond mining and general domestic use. A farmer from Idukilo stated that his animals were now drinking rainwater captured in temporary dams. A shop owner described the situation as follows: *"Streams are now full of mud, even the main one going to Kishapu. They say it has no poison, but it smells bad."*¹²⁶ Several people raised concerns about the possible toxicity of the tailings-rich mud now covering their farmland, rivers and wells, despite statements to the contrary by the Government Chemist Laboratory Authority days after the tailings dam breach.¹²⁷ In February 2023, people from affected villages were also deeply concerned about the insufficient freshwater supply organized by Williamson Diamonds to

compensate for their loss of water sources (see next section). In general, the limited availability of water to affected communities seems to be a key disruptive consequence of the tailings dam breach.

Amongst those interviewed, more than half were involved in **artisanal diamond mining** in Ng'wangh'olo – whether as a digger, financier or caterer. Ng'wangh'olo village hosts some of the key artisanal diamond mining sites that surround the Williamson concession. While the tailings dam breach did flood some of the artisanal sites in Ng'wangh'olo, many pits remained intact (Figure 2.2). However, with water from the New Alamasi dam unavailable, miners faced fundamental challenges in accessing water for washing and sieving gravel to find diamonds (Figure 2.3). As a result, artisanal diamond mining activities in the area substantially slowed down after the tailings dam breach. Many miners left and those remaining struggled.



▲
Figure 2.2 Artisanal diamond mining site at Ng'wangh'olo in January 2023 (Photo: IPIS, 2023)

126 IPIS interview with local resident, 9.2.2023.

127 Butondo, S., 'Matokeo uchunguzi tope, majitaka bwawa Mwadui hadharani', Mwananchi, 13.11.2022.

Most artisanal mining operations are financed through informal profit-sharing agreements. The prospect of uncertain profits made those financing mining operations hesitant to continue their sponsorship in the aftermath of the breach. Lack of financial means to continue mining, or to pay for basic items like accommodation or food, has put most artisanal miners in a precarious situation and pushed many to leave the area. Reduced artisanal mining activity also impacted those providing supporting services to miners. One woman, who runs a small catering business for artisanal diamond miners in Ng'wangh'olo

explained that, before the tailings dam breach, she used to cook daily for over a hundred people working on the artisanal mining sites. In February 2023, that number had reduced to eleven. *“Before the dam breach, this was a very profitable job as there was lots of mining in Ng'wangh'olo”*, she said.¹²⁸ The artisanal miners we interviewed in February 2023 were not optimistic. Now predominantly dependant on rain as water source for mining, they all feared even more challenging conditions in the upcoming dry season.¹²⁹ They were also unsure if any remediation measures would consider their largely informal activities.



▲
Figure 2.3 Artisanal diamond processing at Ng'wangh'olo in February 2023 (Photo: IPIS, 2023)

Overall, artisanal mining community members interviewed by IPIS did not seem to trust that the impacts from the tailings dam breach would be handled well. Anything they heard about remediation measures promised by Williamson Diamonds was brushed off as rumours. Several artisanal miners stated that they didn't believe anything would actually happen, and that they did not have any expectations from the mine. Affected persons interviewed in

February 2023 generally felt negatively about their **relationship with the mine**. Several respondents even questioned whether the breach was an accident.

While such perceptions can be partly explained by the negative impacts people have been experiencing due to the tailings dam breach, decades of tense relations between Williamson Diamonds and nearby communities also seem to have instilled more general

128 IPIS interview with local resident, 9.2.2023.

129 In Shinyanga region, the rain season runs from October to April, while the dry season covers May until October

feelings of distrust towards Williamson Diamonds (see also chapter 2). A farmer from Nyenze said:

“There is no peace between the mine and the community at Nyenze. Even before the dam breach, relations between the mine and villagers at Nyenze were not good because of violence against intruders.”¹³⁰



▲
Figure 2.4 Examples of small containment structures that were built in Ng'wangh'olo to limit the spread of the tailings slurry, as observed in February 2023 (Photo: IPIS, 2023)

From our engagements with community members, it is evident that not all remediation initiatives are equally visible, effective, appreciated or understood.

In February 2023, respondents from Nyenze, Ng'wangh'olo and Idukilo described **water trucks** coming to their villages either daily, or every two or three days, depending on the village (Figure 2.5). However, none of them found this solution convenient. This was because the amount of water supplied was insufficient, or because of how it was

Impact remediation

In the immediate aftermath of the tailings dam breach, Williamson Diamonds' emergency response focused on providing accommodation and humanitarian assistance to those affected, and to limiting the spread of the tailings slurry (Figure 2.4). Other remediation initiatives followed, including the identification, valuation and compensation of losses, the construction of a replacement freshwater reservoir for community use, and trials for the sustainable restoration of agriculture in the affected area.¹³¹

organized. They described a rush on water when the trucks arrived: *“The water is never enough. If you are late, you missed it and you have to wait another day. There is no schedule, so you go with your containers in the morning, at noon and in the evening in the hope that you find the truck there at some point”*, according to an interviewee from Ng'wangh'olo.¹³² In August 2023, Williamson Diamonds was still supplying water to affected communities. Improvements had been made, however, with trucks now delivering water on a daily basis to tanks that were installed in affected villages. Although

130 IPIS interview with local resident, 10.2.2023.

131 For details, see various statements on: Petra Diamonds, [Tailings Storage Facility Wall breach](#), n.d.

132 IPIS interview with local resident, 10.2.2023.

this improved general access to water, respondents still said that the amount of water they were able to access remains insufficient. They also stressed the

importance of structurally restoring reliable access to water via a piped water system.



▲
Figure 2.5 A truck delivering water to Ng'wangh'olo village on 23 January 2023 (Photo: IPIS, 2023)

As part of efforts to restore community access to freshwater, Petra Diamonds reported the finalization of the Ng'wangh'olo water dam in July 2023.¹³³ The Ng'wangh'olo dam was built on village land outside the Williamson concession, as approved by authorities.¹³⁴ It replaces the flooded New Alamasi dam as a freshwater reservoir for community use. So far, people seem appreciative of this new dam, although some referred to it as “*the small dam with little water*”.¹³⁵ While it appears that the Ng'wangh'olo dam is significantly smaller than the New Alamasi dam,¹³⁶ the volume of water in the dam should increase during the rainy season. Whether the Ng'wangh'olo dam will suffice as a freshwater reservoir for communities near the Williamson mine will need to be evaluated.

Regarding Williamson Diamonds' efforts to ensure accommodation for all those affected by the tailings dam breach, people we interviewed in February 2023

in general agreed that those who lost their homes seemed supported with food and housing. While some respondents shared stories of people being temporarily relocated to Mwadui, most testimonies referred to relocations of people within their village. This seems to be an important practice. For many people, the idea of having to relocate elsewhere away from their village, community and damaged property/land, seemed unfavourable. Several people refused to do so. A farmer from Nyenze shared that Williamson Diamonds had proposed to relocate him to Kanawa, saying: “*I do not want to move. My life and network are here. I heard that I will get one small house and 1 acre of land for my family of fifteen people and my livestock.*”¹³⁷

Despite Williamson Diamonds offering housing support to a significant number of people, some appear not to have been included. One interviewee from Nyenze, whose family moved in with relatives

133 Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.7.2023, p.2.

134 Petra Diamonds, Williamson Mine: Update on TSF wall breach 21 February 2023, 21.2.2023, p.1.

135 IPIS follow-up with local resident, August 2023.

136 On 6 September 2023, the Ng'wangh'olo water dam did not appear visible on Planet satellite images.

137 IPIS interview with local resident, 10.2.2023.

after the mud had destroyed their house, shared that they hadn't received any information nor assistance since the tailings dam breach flooding and were wholly dependant on relatives to get by. This interviewee wanted to know how and where to get information on next steps. This experience raises questions about the processes used to identify affected people, and to what extent those processes were made known, transparent and accessible to affected persons.

According to community members interviewed by IPIS, Williamson Diamonds played a central role in determining who was impacted by the tailings dam breach and thus who would be eligible for which compensation package. Village authorities were asked to validate if identified claimants were effectively village residents who suffered damage as a result of the dam breach. A government valuer was tasked to assess and appraise the level of impact suffered by each affected person. His valuation reports determined the level of compensation people were entitled to in accordance with Tanzanian law.¹³⁸

In February 2023, affected people we interviewed confirmed that they had received visits by assessors to value their damaged properties and land. However, there seemed to be confusion over who was in charge of the **valuation**: the mine or the government. During the February 2023 interviews, respondents were generally unaware of the outcome of the valuation process, and of the timeline set out for **compensation**. More uncertainty was voiced over the type of losses that would be covered through compensation. Several people we interviewed worried about the implications of the compensation process. They said they had no idea whether they would get money or new land/property and questioned what would happen to their affected land/property if they were to get replacements. *"Will someone take it?"*, one affected farmer wondered about his farmland. His fears were shared by others who also worried about being forced off their land. Overall, respondents deemed their level of participation in the valuation and compensation decision process very limited. Moreover, the people we interviewed had no knowledge of any mechanism that would allow them to lodge complaints or grievances related to the tailings dam breach despite

the fact that such a mechanism does appear to exist. In Petra's response letter to IPIS, it was indicated that Williamson Diamonds has put in place a community grievance mechanism dedicated to the tailings dam incident. According to Petra, *"This mechanism has been designed so that community leadership for the two affected villages and the respective ward councillors are involved in the grievance process"*.¹³⁹

By July 2023, 304 people were identified by Williamson Diamonds as affected and eligible for compensation.¹⁴⁰ Compensations were settled in April and June 2023 and were more comprehensive than initially assumed by many community members. In August 2023, respondents said that monetary compensations were paid for damages to houses and land, but also for smaller items such as motorcycles and furniture, and for loss of crops, to name a few. People who were compensated were generally pleased that Williamson Diamonds did deliver on their promise to pay out compensation. However, for some, it was unclear what exactly they were compensated for. They wondered whether the compensation they received was to cover damages and losses, or whether it meant that their land or property had been acquired by Williamson Diamonds. Others started doubting whether the amount they received would allow them to reconstruct their livelihoods. Without any basic financial literacy training, or adequate explanations on the scope of compensation, compensation money might not be used sustainably, and the intended positive and longer-term impacts could be disappointing.

Not all people who suffered losses received compensation. Several people also indicated that they were not compensated for all the losses they suffered. One respondent shared that he was compensated for the loss of a motorcycle, but not for the loss of income he suffered in absence of his motorcycle. One group that appears to have been completely left out of the compensation process is **artisanal diamond miners**. The artisanal miners we spoke to felt that their community was not being considered in any initiatives following the tailings dam breach, both in terms of remediation, and in terms of engagement and information-sharing. In August 2023, none of them had received any compensation for the impact

138 This procedure is in line with those set out in the Environmental Management Act of 2004. Government of Tanzania, Environmental Management Act No. 20 of 2004.

139 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

140 Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.7.2023, p.2.

of the tailings dam breach on their livelihoods. They also said that neither Williamson Diamonds nor government representatives had engaged with them. As most artisanal miners reside in Maganzo or at diamond mining sites in Ng'wagh'olo, they would not be automatically included in any engagements or meetings taking place in the affected villages. Without targeted efforts to include all groups of affected people, some – and especially the more vulnerable ones – are left behind.

Overall, community testimonies suggest that throughout the impact evaluation and remediation process crucial information did not reach affected communities sufficiently.

In February 2023, the affected people interviewed by IPIS felt frustrated with the level of **information** that reached them. They were displeased with the lack of direct **engagement** by Williamson Diamonds, as well as with the role played by village authorities. To them, village authorities are their main point of contact to obtain information and their main representatives in engagements with corporate or government actors. They mentioned regular meetings between them and village authorities, and between village authorities and Williamson Diamonds on the topic of the tailings dam breach. However, little to no feedback from those meetings seemed to make it back to members of the affected communities. At one point, villagers from Nyenze and Ng'wagh'olo felt so fed up with the situation that they wanted to go to the Williamson mine together to demand information. *“But village authorities stopped us and said they would take care of it”*, according to several interviewees.¹⁴¹ Interviewees felt there was a lot of filtering and secrecy by village authorities, though at least these authorities were accessible to them, unlike Williamson Diamonds or other authorities.

These experiences stand in stark contrast with statements by Petra on continuous communication and engagement with communities on issues related to the tailings dam breach. In its online communication Petra states that *“WDL, along with local, regional and national authorities, continues its extensive engagements with local communities to ensure that key stakeholders are kept informed of WDL’s response, including planned remediation activities”*.¹⁴² From our interviews it is clear that Williamson Diamonds staff did engage regularly with selected stakeholders, such as village authorities. Nevertheless, it seems that community engagement and communication strategies didn't fully deliver on keeping affected people informed, at least not in the experience of community members.

2.4. Lessons to learn?

High-standard tailings management and regulation as prevention tool

In a July 2023 communications update, Petra indicates that expert investigations into the cause of the tailings dam breach are still ongoing and are expected to conclude by the end of 2023.¹⁴³ Based on interpretations of satellite data (multispectral satellite imagery;¹⁴⁴ Interferometric Synthetic Aperture Radar (InSAR)¹⁴⁵), several analysts have concluded that **inadequate management of the Williamson tailings storage facility** lies at the root of its failure on 7 November 2022. In their analysis, the tailings dam at the Williamson mine was not designed for the higher production levels that occurred at the mine in 2022, and which followed a 17-month period of 'care and maintenance'. Higher quantities of tailings depositions, in combination with nonconservative management of the tailings dam, seem to have allowed process waters to come into direct contact with the dam's wall. This set in motion processes causing ground deformation and eventually the breach of the tailings dam's eastern wall. According to experts,

141 IPIS interview with local residents, 10.2.2023.

142 Petra Diamonds, Update regarding Tailings Storage Facility (TSF) wall breach at Williamson in Tanzania, 30.11.2022.

143 Petra Diamonds, Williamson Mine: Update on TSF wall breach 18 July 2023, 18.7.2023, p.2.

144 Cacciuttolo, C. & Cano, D., 'Spatial and Temporal Study of Supernatant Process Water Pond in Tailings Storage Facilities: Use of Remote Sensing Techniques for Preventing Mine Tailings Dam Failures'. Sustainability, 2023, 15 (4984).

145 Catalyst, 'Mine Shift: the Williamson Diamond Mine in Tanzania', Catalyst, n.d. 2022; Ng'hily, D., 'Experts on flooding at Williamson mine', The Citizen, 23.11.2022.

accelerated deformation was already noticeable months prior to the dam failure.¹⁴⁶ Regardless of any dam construction non-conformities,¹⁴⁷ expert opinions suggest that the tailings dam failure could have been prevented if best practice monitoring standards had been followed at the Williamson mine.

At present, the most comprehensive list of best practices and requirements for the responsible management of mine tailings is presented in the **Global Industry Standard on Tailings Management**. It was developed by a multi-disciplinary expert panel and launched in August 2020 by the United Nations Environment Programme (UNEP), the Principles for Responsible Investment (PRI) and the International Council on Mining and Metals (ICMM). This standard aims to push the mining industry towards zero harm to people and the environment linked to failures of tailings storage facilities, and should be seen as a minimum bar that companies must meet. To be compliant with the standard, companies are expected to conform to its principles and auditable requirements, which cover topics from human rights due diligence to tailings dam management and governance, emergency preparedness and response, and the public disclosure of information about tailings storage facilities.¹⁴⁸

Good tailings management is a vital component of strong Environmental, Social and Governance (ESG) performance. Global adherence to this standard would signify a significant step forward to ensure more responsible and accountable mining operations.

Notably, Petra Diamonds' Board of Directors approved of a **new Tailings Management Policy** just months before the tailings dam breach at the Williamson mine, in June 2022.¹⁴⁹ As part of this policy, Petra Diamonds committed to fully comply with the Global Industry Standard on Tailings Management in all its operations by no later than

5 August 2023.¹⁵⁰ Given what happened at its Williamson mine, the swift implementation of Petra Diamonds' Tailings Management Policy seems more pertinent than ever.

Adherence to best practice standards on tailings management should be priority in the **next phases of production** at the Williamson mine. Production resumed on 17 July 2023 – sooner than expected and only eight months after the tailings dam breach. Production restarted using a newly constructed interim tailings dam deemed operational by Tanzania's Ministry of Water and Chief Inspector of Mines.¹⁵¹

In the month leading up to the restart, the **Government of Tanzania** – via the Minister of Minerals and the Regional Commissioner of Shinyanga – had ordered the Williamson mine to quickly resume production by 15 July 2023. At the mine's relaunch event, Shinyanga Regional Commissioner Mndeme was quoted as saying *"My instruction to you is to increase the speed of mineral production to make up for the time you lost, and return to your high level of diamond production, and also to inspect this new dam regularly so that it does not burst and cause harm to the people"* (own translation from Swahili).¹⁵² From a safety point of view, the push for a swift return to high levels of diamond production at a mine site that just suffered a tailings dam failure that may have been linked to increased production levels combined with inadequate tailings management practices, seems questionable. However, from the perspective of an affected shareholder in the Williamson Diamonds joint venture, this aspiration is less surprising.

In the aftermath of the Williamson tailings dam failure, the Tanzanian government and its institutions have shown themselves wearing different hats, taking on a more punitive role,¹⁵³ as well as one of an affected stakeholder. Yet, in the prevention of mining-related incidents, such as tailings dam failures, governments

146 Ng'hily, D., 'Experts on flooding at Williamson mine', The Citizen, 23.11.2022.

147 As suggested by Tanzania's National Environmental Management Council (NEMC). See e.g. Kiango, B., 'NEMC insists that Williamson liable for dam victim's compensation', The Citizen, 18.12.2022.

148 Global Tailings Review. *Global Industry Standard on Tailings Management*, n.d.

149 Petra Diamonds, *Group Tailings Management Policy*, June 2022, p. 1.

150 Petra Diamonds, *Tailings Management*, n.d. (last accessed 10.8.2023)

151 Petra Diamonds, *Williamson Mine: Update on TSF wall breach 18 July 2023*, 18.7.2023, p.2.

152 Maduhu, M., 'RC Mndeme azindua rasmi shughuli za uzalishaji wa almasi mgodi wa Mwadui', Shinyanga Press Club, 17.7.2023.

153 See, e.g., Kiango, B., 'NEMC insists that Williamson liable for dam victim's compensation', The Citizen, 18.12.2022.

have their most important roles to play in creating and enforcing an ambitious regulatory environment in which mining companies are held to the highest standards. The Williamson tailings dam incident demonstrates that a mining operation that appears compliant with Tanzanian laws and regulations, and even holds itself to additional voluntary ‘best practice principles’,¹⁵⁴ can still cause significant harm to people and environment. In regulating and enforcing responsible business conduct, the Government of Tanzania could still up the ante.

Effective remedy for affected communities

In line with the UN Guiding Principles on Business and Human Rights,¹⁵⁵ businesses not only have a responsibility to prevent human rights harm, but also to ensure effective remedies are available to victims of harm. Remediation can be delivered through a range of different avenues and initiatives. However, to be effective, remediation initiatives should not only be adequate, appropriate and proportional to the gravity of the harm done, they should also be responsive to the diverse experiences and expectations of those seeking remedy.¹⁵⁶ While many remediation strategies look good on paper, translating objectives of effective remedy in practice often proves more complex.

In remedying the Williamson tailings dam failure, several **good practices** were displayed. These include the swift and continued delivery of direct (humanitarian) assistance to affected people and affected communities, the diversity of remediation initiatives that are or will be rolled out, Williamson Diamonds’ commitment to international best practice compensation rates, and the rather quick finalisation of compensation payments.

Several aspects, however, deserve reflection and improvement. Despite rather swift and comprehensive compensation packages and assistance with water supply and emergency accommodation, several immediate needs of affected communities remained unmet. With crops destroyed, farmland unavailable or livelihoods diminished or suspended, many affected people struggled to meet their direct basic needs and worried about ‘feeding their families’ in the short term. **Appropriate and timely remediation** should therefore sufficiently consider the day-to-day realities of affected people and the diversity of their needs, also over the short term.

Regarding the **transparency and accessibility of remediation**, IPIS’ interviews with affected people revealed that communication and community engagement efforts by Williamson Diamonds did not ensure that all affected groups were adequately informed about or included in the remediation process. As often happens, what has been designed as an effective community engagement and participation strategy has fallen short of what is experienced as such by communities. This could be due to an overreliance on specific actors to liaise with communities, a limited understanding of the vulnerabilities, needs and diversity within affected communities, or ineffective monitoring to ensure meaningful community engagement, to name a few. Investing in meaningful, effective and continued communication and community engagement could also offer a valuable avenue to continue improving the complex company-community relations around the Williamson mine more broadly.

154 In a statement on its website, Petra writes “The Williamson diamond mine in Tanzania does not require a risk-based mandatory Codes of Practices (COP) by law but, since 2016, in line with best practice Petra developed and implemented operating practices, set out in an operating manual, similar to a COP for the mine’s tailings deposits.” Petra Diamonds, *Tailings Management*, n.d.

155 Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework*, (OHCHR, New York/Geneva, 2011), General Principles.

156 UN Working Group on Business and Human Rights (2017). *A/72/162: Report on access to effective remedy for business-related human rights abuses*, 2017, p. 8.

3. Defusing tensions: security and human rights impact

3.1. Intrusion: confusion or livelihood?

Part of the long-standing problem with intrusion on the Williamson Diamonds concession has been a **lack of clarity** among adjacent communities on where the boundaries of this 30.6 km² area lay. Local residents have always known very well where you enter Mwadui, the walled-off village on the mine's concession with its own shops, hospital, sports centre and schools where

employees, their families and former staff or their ancestors live. Equally, the mine's active extractive operation, including the open pit exploitation of a 1,46 km² ore body, processing plant and tailings storage facility are clearly distinguishable. The actual license area, however, is nearly double in size. It consists of natural forested land with cattle tracks and dirt roads that blend into the wider environment.



▲
Figure 3.1: Detailed view of the Williamson Diamonds concession

As a result, those encountering guards securing the concession perimeter have not just been locals who deliberately invade mine security to look for diamonds, but often villagers who crossed the invisible boundary while following livestock or collecting firewood in forests they considered to be theirs. They have also included artisanal miners who – often knowingly but

sometimes unknowingly – extended or moved their informal mining operations towards land covered by the Williamson title. Even guards do not always seem to have known or taken into account the mine's boundaries: several alleged victims of abuses by Zenith guards claim, in interviews with IPIS, to have been assaulted on village land close to their homes or fields.

Demarcating the concession perimeter

Following up on a commitment from its May 2021 settlement, Petra reported the near completion of a project to delineate the Williamson lease area in October 2021.¹⁵⁷ While a fence was installed around the mine's open pit,¹⁵⁸ the broader delineation exercise of the concession was done through **painted messages on big rocks** intermittently placed along the perimeter (see Figure 4.2) stating (own translation from Swahili):

“This is the mining area of Mwadui-WDL

It is not permitted to:

1. Trespass
2. Herd livestock or collect firewood
3. Dig sand
4. Hunt animals
5. Steal mine assets

Legal action will be taken against those who disobey.”



Figure 3.2: One of the rocks indicating the perimeter of the Williamson license area (Photo: IPIS, 2023)

Many respondents in villages around the mine saw this delineation effort as a **considerable improvement** that makes it clearer where their community land ends and the mine's title starts. It did not however eschew all confusion. In some areas, for instance junctions in dirt roads around the mine, it is not evident on which side of the rock the lease area lies or in precisely which direction the demarcation line runs. No local residents interviewed by IPIS were aware of any consultation undertaken by the company on this delineation project.

Livestock allowed?

One of the restorative actions Petra committed to as part of its May 2021 settlement was to provide communities with “managed access to parts of the [license] to collect firewood and graze animals”.¹⁵⁹ Since then, there has been no further mention of managed livestock grazing. In a response letter to various questions raised by IPIS, Petra denies that any access could be granted to the concession for herding as this is restricted by local law and the mine's

157 Petra Diamonds, Update on remedial programmes at the Williamson Mine, 26.10.2021, p. 2.

158 GardaWorld West Security, Response letter to IPIS dated 5.10.2023 (not published).

159 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.



Figure 3.3: Youth, armed with slings, herding livestock on WDM’s concession (Photo: IPIS, 2023)

permit.¹⁶⁰ Various **local residents indicated to IPIS to be confused** about where cattle can graze and where not.

Several respondents expressed frustration over an ongoing practice of **livestock being confiscated** when caught on the Williamson concession. They repeatedly referred to a TZS 300,000 (ca. €178) fine to recover a herd. For local residents, such an amount represents a substantial part of their annual income. The fact that those herding livestock on and around the Williamson concession – generally teenage boys and children – are regularly armed with slingshots is an indication of how tense relations with the mine’s guards still are (see Figure 4.3).

Petra wrote to IPIS that there is a clear policy stating that “the relevant staff or security member must not threaten or harass the owner of the livestock and must respect their human rights”, and that awareness on

this policy has been raised with local communities.¹⁶¹ According to this policy, after initial interaction with the livestock owner, the mine’s security team should involve the health and safety team. The latter would not confiscate the livestock, but temporarily hold it before escorting it off the concession. The health and safety team also has the task of informing the owner about the boundaries of the mine. Petra further adds that a fine may be imposed “if appropriate”, but gives no information on any criteria that would warrant this. They simply state that the approach to fines was agreed in a meeting between villagers and cattle herd owners.¹⁶² This fine is, according to Petra, imposed by the relevant village council and used to fund village projects.

Managed access for firewood collection

The managed collection of firewood on the concession was taken further through the development of a **protocol** to grant access in a safe and sustainable

160 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

161 Ibid.

162 Ibid.

way.¹⁶³ In February 2023, when IPIS conducted interviews with villagers living around the mine, only one of the over 40 respondents was aware of some of the specifics of this arrangement. In its response letter to IPIS, Petra explained that access is provided to one village each month on a rotational basis.¹⁶⁴ Following numerous complaints through the community grievance mechanism (see Chapter 4), the initial process for this initiative was simplified. At present the Williamson Diamonds Community Liaison Officer notifies the relevant village leader of the areas that have been selected for firewood collection. The village leader then prepares a list of names of people that have shown an interest in engaging in this activity. These people fill out a visitor form that allows them to collect an entry permit at the mine's main entrance on the day they are granted access. They are then transported from the mine's entrance to the selected area and collect firewood under the supervision of Williamson Diamonds' health and safety team, who subsequently transport them back to the point on the concession that is closest to their village.

Incursion trends and motivations

Most respondents felt that intrusion on the Williamson concession had **initially decreased** compared to the period before the 2021 legal settlement. However, it had far from disappeared. This trend appears to be confirmed in figures made public by Petra. The 2021 findings of Petra's own investigation into the claims of human rights abuse refer to 7,100 recorded intrusions resulting in 1,700 arrests for the period 2012 to 2020.¹⁶⁵ This is an average of around 790 intrusions and 190 arrests per year. For 2022, Petra's periodic updates on the implementation of the settlement package report a total of 283 "incidents of illegal incursions", resulting in the apprehension of 152 "individual illegal miners".¹⁶⁶ In its response letter to IPIS, Petra

maintains that since the May 2021 settlement there has been a year-on-year increase in incursions. This, it believes to be "at least in part due to misinformation within the communities about the potential reward they might receive from trespassing", in connection with the settlement monies paid to certain individuals in 2021.¹⁶⁷

Petra contends that the Williamson mine's "small yet **high value products will always attract individuals** and syndicates looking to exploit these for their own gains."¹⁶⁸ It therefore plans to continue its "extensive engagement with communities around the mine to highlight the dangers of illegal mining" and "with local authorities to actively target those individuals that are known to be providing economic support to disaffected youth and the wider community to trespass onto the mining area".¹⁶⁹

These statements contrast with how intrusions are explained by members of the local community. Various local residents interviewed by IPIS continue to **justify intrusion by reference to bad relations with the mine**, including unfulfilled promises, the history of abuse and daily nuisances from the large-scale mining operation that dominates their living environment. With the support of a diverse network of sponsors, considerable numbers of diggers reportedly continue to seek access routes around the guards. They either start digging on the concession or take some of the mine's waste material to process on-site or closer to their homes. Many respondents spoke surprisingly openly and with striking normalcy about intrusion as just one of the few livelihood options available to them. One local explained:

163 Ibid.

164 Ibid.

165 Petra Diamonds, *Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary*, 12.5.2021.

166 Petra Diamonds, *Update on remedial programmes at the Williamson Mine*, 20.4.2022; Petra Diamonds, 'Williamson Mine: Update on IGM and Community Projects for Q4 FY 2022', 19.7.2022; Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q1 FY 2023*, 29.11.2022; Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023*, 21.2.2023.

167 Petra Diamonds, *Response letter to IPIS dated 24.8.2023*. GardaWorld makes a similar statement about compensations being a pull factor for incursions in its response letter to IPIS (GardaWorld West Security, *Response letter to IPIS dated 5.10.2023*).

168 Petra Diamonds, *Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary*, 12.5.2021.

169 Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023*, 21.2.2023.



Figure 3.3: Artisanal diamond miners at work on the piece of land between Maganzo town and Mwadui village (Photo: IPIS, 2023)

"I farm, I have some cattle, I have an arrangement with some artisanal miners who dig for diamonds on my land, and I regularly go to the Williamson mine to look for diamonds. I sometimes even just go in the afternoon. I have managed to recover some small diamonds there. When I see guards, I just run away. They caught me once in 2010, when they beat me so hard with whatever they had on them that I thought I was dead."¹⁷⁰

Most victims of previous abuses indicated that they had never gone back to the concession after the violence they suffered, which for some was decades ago. Various respondents stated they are scared to go close to the mine because of the stories they hear about beatings and arrests. Those who intrude appear to be **aware of the risks associated with this 'livelihood option'**, but still decide to take them, whether occasionally or regularly. When farming, pasturage or artisanal diamond mining are going well, people see little need for intrusion. However, misfortune tends to push particularly young men again towards illegal mining. This may also explain the recent increase in intrusion that several respondents reported and linked to the impacts of the Williamson tailings dam collapse. As farmland, equipment, mining sites and community water sources were covered with tailings-rich mud, many locals saw their livelihood activities significantly undermined or even halted, especially in the short term (see Chapter 3). This pushed many to find other ways to make a living.

170 IPIS interview with local residents, 10.2.2023.

3.2. New guards, new start?

Enter GardaWorld

On 1 March 2021, Petra replaced its troubled private security company (Zenith Security) with a **new third-party contractor**, GardaWorld West Security. This is the Tanzanian branch of the major international and Canada-headquartered firm, GardaWorld. As reported by Petra, this was part of a broader reconfiguration to ensure full compliance with the Voluntary Principles on Security and Human Rights (VPSHR). It included adopting new rules of engagement with clearer reporting lines and monitoring of actions by the security contractor and the Tanzanian police.¹⁷¹ Petra further updated internal trainings and rolled out an internal VPSHR awareness campaign.

While no further details about these **rules of engagement** have been published, Petra provided some information in its response letter to IPIS.¹⁷² In addition to GardaWorld guards and Williamson Diamonds security management, two other actors are involved in the mine's security arrangement: the Tanzanian police and AA Gimbi. The latter is a second private contractor that provides night watchmen who are statically deployed at key points and operationally sensitive areas of the mine to provide early warning in case of trespassers. These four parties reportedly meet each morning to align approaches in accordance with Williamson Diamonds policy. The monitoring of security contractors and the police is carried out in two main ways: (1) by reviewing all footage of body and vehicle cameras, of which there should be at least two per patrol, and (2) through four rotating security supervisors on each shift who assess performance and compliance with Williamson Diamonds' policies.

Petra stresses that “[t]he use of any form of force is strictly monitored, including the use of less than lethal force”.¹⁷³ Williamson Diamonds' in-house security team and AA Gimbi contractors are not equipped with any weapons. The contract with GardaWorld, which Petra has published on its website, states that their guards' **basic equipment** includes a PR24-type baton, while GardaWorld supervisors are additionally armed with pepper spray and plastic handcuffs.¹⁷⁴ In its response letter to IPIS, Petra specified that no staff or contractors are allowed to use live ammunition: “Only a limited number of GardaWorld staff per shift is issued with guns, rubber bullets and batons”.¹⁷⁵

The above details have been confirmed by GardaWorld in a response letter to IPIS, received on 5 October 2023.¹⁷⁶ In addition to its own Code of Conduct and Ethics,¹⁷⁷ GardaWorld refers to several **other specific policies and procedures** followed to reflect the dynamics surrounding the mine and to minimise the risk of confrontations or injuries. This includes the involvement of female security guards in all mine patrol vehicles and a chain of custody process to ensure that every incident is documented and reported. The latter prescribes that any “illegal miner that is temporarily apprehended is taken to the mine police post (if the miner has sustained an injury, the miner will also be taken to the local hospital first)”.¹⁷⁸ A chain of custody report is then prepared and includes “a summary of the incident (with input from the illegal miner in question) and any input from the local hospital staff is recorded if an injury has been sustained (e.g., if they tripped and sustained a bruise or cut). There is also an opportunity at this stage for the miner to raise any complaints they might have regarding their treatment. GardaWorld understands that any complaints are investigated by the WDL security team, with input from GardaWorld”.¹⁷⁹

171 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.

172 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

173 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

174 Petra Diamonds, Contract for the Performance of Security and Associated Services, 1.3.2021, Section 3 Annexures, para. 3.2. uniforms/ equipment.

175 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

176 GardaWorld West Security, Response letter to IPIS dated 5.10.2023.

177 GardaWorld, Code of Ethics: Doing the Right Thing (Montreal, 2021).

178 GardaWorld West Security, Response letter to IPIS dated 5.10.2023.

179 Ibid.

Local appreciation

Many community respondents experienced the arrival of the new GardaWorld guards as a good development that is positively impacting relations with the mine. They referred to more regular, professional, civilised and friendly interactions. Many stressed the **end to indiscriminate harassment and lawlessness** as intruders are now handed over to the police, rather than extra-judicially detained. Several people, and women in particular, expressed relief that they could now again visit Mwadui to go to the hospital or engage in small commerce, without the risk of being brutalized or abused by guards. One respondent relayed with relief that:

“The new guards regularly stop in our villages on their patrols to meet and greet us, while before there was only intimidation and you could always be arrested. Sometimes if you ask, they even let you pass through the concession, when the other road is blocked because of the rains, for instance. The new guards still arrest intruders, but they treat them as human beings. When you’re caught you used to be tortured. Now, they take you to court.”¹⁸⁰

Violence significantly reduced, but not ended

While only a small minority of respondents believe that this new start has now ended all violence, most indicate that such behaviour has become less intense and widespread. **Shootings**, in particular, appear to **have become very rare**. A few villagers referred to guards using warning shots to chase intruders away. Moreover, IPIS received one very concerning testimony of a young man who claims to have been shot by guards on the Williamson concession in January 2022 (see Box 3).

Reports of fights with and **severe beatings** by guards on the Williamson concession are however still common. Most allegations local residents shared with IPIS concern beatings with batons, generally on legs, arms or joints, after which intruders are either handed over to the Kishapu district police or left behind. Those who experienced or witnessed such beatings told IPIS that resultant injuries consisted mainly of wounds and bruises that caused difficulties to walk and work, but generally healed after a few weeks. Several respondents suspected a reasoned strategy of deterrence, whilst avoiding serious or life-changing injuries. Most reports of recent beatings that IPIS received concern miners, but also in a few cases livestock herders straying onto the concession.

Two specific incidents were reported by several respondents. One concerned a young adult caught mining on the Williamson concession in late 2022. Several guards allegedly beat him with batons and severely injured one of his arms, which had to be treated in Shinyanga’s Kolandoto hospital. Another incident dates from January 2023 when a youth herding cattle on the Williamson concession is claimed to have been severely beaten by security guards with batons on his knees and legs. His friends found him and carried him home. He was unable to walk for several weeks, though was later slowly able to resume his herding work.

IPIS presented allegations of regular and severe beatings to **GardaWorld** West Security’s Director. The latter **responded** that such allegations “do not align with the information that has been collected and recorded by members of the GardaWorld team, doctors at the Mwadui hospital who have treated illegal miners who have been injured (mostly injuries caused when fleeing the mine), members of the local police force and investigations conducted by the WDL security team. [...] From discussions with WDL, we understand that no such allegations of injuries caused by beatings with batons have been substantiated and that the descriptions of injuries provided by local hospitals are inconsistent with the illegal miners having been beaten. [...] We would like to clarify that individuals are not left behind after an incident (as suggested by your letter). As noted above, all illegal miners that are temporarily apprehended by

180 IPIS interview with local resident, 9.2.2023.

GardaWorld staff are transferred to the local police with a detailed report kept of the incident”.¹⁸¹

Petra’s periodic updates on the implementation of the settlement package specify that incursion-related incidents in 2022 resulted in 62 miners and three security officers sustaining minor injuries. In its response letter to IPIS, Petra indicates that in 2021

and the first half of 2023 it also did not record any incursion incidents involving serious injury or death.¹⁸² It confirms isolated allegations of injuries caused by security forces, which are always investigated by Williamson Diamonds, who have informed Petra that “any injuries that do occur are typically attributable to the illegal miner falling while fleeing from security guards or the police”.¹⁸³

Box 3: Rare testimony of alleged shooting, as relayed to IPIS in February 2023

On the morning of 17 January 2022, Patrick,¹⁸⁴ a resident of Buganika village, claims to have gone to the Williamson concession with three friends to search for diamonds in the mine’s tailings. Around noon, Patrick says, their party was caught by the mine’s private security guards. In fleeing the scene, they reportedly ran into another patrol that was coming from the opposite direction. Patrick alleges that as he turned around to face the other way, he was shot in the back and lost consciousness. His friends, he says, kept on running and managed to escape. From a distance, they reportedly saw the guards put Patrick into the back of a pick-up truck and drive off. Patrick and his friends claim that they have never carried weapons when searching for diamonds – only standard mining equipment like sieves, buckets, a shovel and a pickaxe.

Patrick says that he regained consciousness the next morning in the government-run Shinyanga regional referral hospital. Here, he assumed that he had been put under arrest because a police officer was guarding him. Patrick had 24 metal pellets in his body, which allegedly came from one shotgun shell. With his life in the balance and injuries too severe to be treated in Shinyanga, Patrick was transferred by ambulance to Bugando Medical Centre in Mwanza city, 150 km north from Shinyanga town. Patrick said that the police did not follow him there and have not returned to him since.

In Mwanza, Patrick received surgery and doctors managed to remove four pellets from his abdomen. The other metal projectiles are still in his body. After two weeks of treatment and recovery he was reportedly well enough to return home. His family had to scrape together over TZS 3,5 million (ca. €1,400) to cover his medical bills. Medical records from Shinyanga and Bugando (on file with IPIS) confirm Patrick was shot with multiple gun pellets, leading to multiple wounds on his back and injury to his intra-abdominal organs. The police form notes the shot was fired “by watchmen at the mining site”.

181 GardaWorld West Security, Response letter to IPIS dated 5.10.2023.

182 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

183 Ibid.

184 The name of the person has been changed to maintain confidentiality.

Patrick is now at home. Doctors originally told him that it would take him at least three years to recover from his injuries. More than a year after the incident, Patrick said he is still in too much pain to work: “*If I work for one day on my field, I’m in pain for at least four days and take painkillers for a week*”, he explained. His family of four children is now living on the income of his wife’s small tomato vending business, and his brother regularly brings food to their home. His brother says that he tried to follow-up with the Kishapu district police to find out who was responsible for this harm and to obtain justice. He was allegedly told that the police could only discuss this with Patrick himself, in person. As Patrick was afraid of being arrested again and did not have the strength during the first year to leave his house, he did not follow through on his case.

Whilst IPIS was not able to verify all elements of this testimony, it is remarkable in that reports of shots fired on the Williamson concession have become rare since GardaWorld took over from Zenith Security on 1 March 2021. While his case clearly requires further investigation, Patrick himself reports feeling helpless and vulnerable in making any such demand. Patrick asked IPIS to record and report his testimony. He says he has been criminalized and village authorities have not followed up on the information he shared with them. He lodged a complaint with the mine’s Independent Grievance Mechanism (IGM) in May 2022, but at time of writing he had still not received any response.



◀ Figure 3.4: Scars from the surgery that removed bullets from Patrick’s abdomen (left) and back (right) (Photos: IPIS, 2022)

Responses to alleged shooting

IPIS presented the allegation (see Box 3) of an intruder being shot, in January 2022, by guards at the Williamson mine in a letter to **GardaWorld**. It responded to have “**no record of any shooting** at the Williamson mine at this time. However, after discussions with [Williamson] security staff about the allegations made in your letter, GardaWorld

understands that an illegal miner was shot with rubber bullets in January 2022 on the neighbouring El-Hilal mine. It is therefore very likely that the allegation raised by the miner relates to that incident. GardaWorld understands from the relevant [Williamson Diamonds] staff that that shooting was investigated by local police at the time and that the police confirmed the incident solely concerned the El-Hilal mine”.¹⁸⁵ In an email to IPIS, dated November

¹⁸⁵ GardaWorld West Security, Response letter to IPIS dated 5.10.2023.

3, 2023, Petra confirmed to have no record of any shooting at the Williamson mine and also referred to an incident at El-Hilal.

Irrespective of the facts, the **handling of this case raises serious concerns**. Particularly in the light of the long history of abuse at the Williamson mine, such a worrying allegation should have been picked up and investigated immediately to either accept or deny it. Yet, to the contrary, the alleged victim is reportedly still awaiting a response 21 months after the alleged incident happened and 16 months since he lodged a complaint via the mine's independent grievance mechanism. The slowness of following up on an allegation of ongoing serious abuse points to a lack of preparedness and triage concerning salient risks that questions the effectiveness of the mine's grievance handling (a detailed analysis of grievance handling follows in Chapter 4). If Petra's senior management is indeed only aware of allegations of incidents causing minor injuries 'typically attributable to the illegal miner falling while fleeing', this means that Petra has still not embedded human rights due diligence into its decision-making and risk management structures. It is commendable that an independent mechanism was set up to handle grievances without interference from the companies involved, but this does not exempt them from their own responsibilities as set out in the UN Guiding Principles on Business and Human Rights and as committed to by Petra.¹⁸⁶

3.3. Other sources of tension

Government authorities

After years marked by tension and violence, relations between the Williamson mine and adjacent communities appear to be evolving in a positive direction. However, while people today have more hope that their traumas and suffering will be taken seriously by the mining company, several respondents indicate that relations with local authorities have deteriorated.

In late 2020, both RAID and Leigh Day expressed grave concerns about reports of people and organizations with whom they had met over the past year or who were acting to support victims, being targeted, harassed or intimidated by police and local authorities.¹⁸⁷ Petra responded by committing to implementing "a Human Rights Defenders Policy, which will set out clear requirements in relation to non-harassment and victimisation to safeguard against future harm or **intimidation**". In May 2022, Petra's Respecting Human Rights Defenders Procedure was formally adopted. The policy will be up for revision in May 2024.¹⁸⁸ Since then, neither Petra nor Williamson Diamonds has communicated on specific steps taken to implement this policy in Tanzania.

While the dust of the UK court case has settled, reasons for concern persist. IPIS received numerous reports of civil society organisations and community leaders feeling intimidated due to police or other state officials keeping watch on their offices, confiscating files and equipment, or monitoring their activities. Furthermore, several respondents asserted that nothing seemed to be done with information on recent abuses that they had passed on to local authorities, or worse, that the only follow-up had been arrests for trespassing. This climate risks perpetuating the fear of reprisal that prevented many victims from speaking out about abuses in the past, allowing these problems to accumulate and intensify over many years.¹⁸⁹ It threatens overall access to justice and risks undermining efforts by Petra and Williamson Diamonds to create a more constructive environment for engagement between local communities and the mine.

The neighbouring El-Hilal diamond mine

Another factor that may reflect negatively on the overall security situation in the area is the very tense situation at the neighbouring El-Hilal diamond mine, where at least two local residents were reported to have been shot and killed in 2022 (see Box 4).

186 Petra Diamonds, Human Rights Policy Statement (London, 2022), p. 3.

187 Leigh Day, Claim is filed over alleged human rights abuses at Tanzanian diamond mine, 9.9.2020; RAID, Statement on its research at Petra Diamonds' Williamson Mine in Tanzania, 9.9.2020.

188 Petra Diamonds, Respecting Human Rights Defenders Procedure (London, 2022).

189 IPIS, Dissecting the social license to operate: Local community perceptions of industrial mining in northwest Tanzania (Antwerp, 2019), p. 47.

Box 4: Troubles on the Williamson mine's doorstep

Along the northern edge of the Williamson concession lies the concession of El-Hillal Minerals Ltd (El-Hillal, see Figure 1.2). This mine is also referred to as Phantom mine, after the nickname of its founder, the late Hillal Hamad Hillal, who died in October 2022. Hillal Hamad Hillal was an influential Tanzanian businessman, member of the dominant ruling party Chama Cha Mapinduzi (CCM) and well-connected to the highest echelons of power in the country.¹⁹⁰

From the outset, the El-Hillal mine has been the subject of controversy and **tensions with adjacent communities**. This situation goes back to 2001 when El-Hillal obtained prospecting rights for a large swathe of land spanning four villages, namely Maganzo, Ikonongo, Songwa and Masagara. This was land that had for generations been used by locals for farming, livestock herding and firewood collection. Villagers cried foul, accusing the company of land-grabbing through a fraudulent and deceptive process that relocated them without proper compensation.¹⁹¹

This did not prevent El-Hillal from obtaining a mining license in 2003. El-Hillal's current license runs until 2035 and spans an area of 34.3 km.² This is slightly larger than Williamson's 30.6 km² concession, despite reaching only a fraction of its production. In 2018, for instance, before the El-Hillal mine temporarily closed for care and maintenance, it only represented a mere 2% of Tanzania's official rough diamond exports (compared to 96% for the Williamson mine and 2% for ASM).¹⁹²

The land conflict with residents is not the only source of controversy for El-Hillal. In 2016, the Tanzania Revenue Authority temporarily closed the mine over TZS 375 million (ca. €140,000) in tax arrears.¹⁹³ Only two years later, in March 2018, the mine faced the threat of a TZS 50 million (ca. €19,000) fine and prosecution for failure to adhere to labour, mining and corporate social responsibility requirements.¹⁹⁴

Initially, El-Hillal reportedly entered into an informal agreement with artisanal diamond miners, who had been successful mining that piece of land since the late 1990s. This allowed artisanal miners to work on the El-Hillal concession in return for a monopoly over the purchase of their production.¹⁹⁵ This did not last long however and by 2005 artisanal

190 In 2007, for instance, the prime minister of Tanzania reportedly personally intervened to enable Hillal to obtain a large plot of land in the commercial centre of Dar es-Salaam for a good price: 'A leg up for Hillal Hamad Hillal', Africa Intelligence, 22.9.2007.

191 'Tanzania: Ministry of Minerals permits land grabbing!', Jamii Africa, 3.4.2013.

192 The United Republic of Tanzania, Ministry of Minerals & Mining Commission, A Report on Kimberley Process Certification Scheme for Tanzania: Year 2018 (Dodoma, 2019), p. 4.

193 'Diamond mine closed over Sh375m tax arrears', The Citizen, 14.2.2016.

194 'El Hilal mine to face millions in fine', The Citizen, 2.3.2018.

195 European Commission for Africa (ECA), Promoting mineral clusters: The case of Tanzania (Brussels, 2008).

miners indicated to start being chased from the concession. This other form of land conflict continues to date with widespread frustration about reports of excessive violence, including alleged killings, by El-Hillal's security guards. Locals report being chased away from land that they often did not know belonged to the mine, which many referred to as constantly moving and expanding. Respondents stated that these claims were on various occasions taken up with local government authorities or directly with the mine's owners. The latter made several commitments to ease tensions by allowing livelihood activities on the El-Hillal concession. However, according to several local residents, these commitments are not being honoured by security guards.

In late 2020, tensions are said to have been running high between El-Hillal and hundreds of artisanal miners that had set up operations on part of the concession in Ng'wangh'olo village.¹⁹⁶ In follow-up to a complaint by El-Hillal, the Deputy Minister of Mines, prof. Shukrani Many, visited the area in January 2021. He gave artisanal miners two days to process the gravel they had already collected and then abandon the site. He directed the Resident Mining Officer to provide them another area in which they could lawfully mine.¹⁹⁷ Many of these miners are today digging in other places around Ng'wangh'olo village. Yet, they appeared to be unsure whether they were now outside the perimeter of El-Hillal or just being condoned by the miner.

While this conflict was not the main focus of IPIS' research, violent incidents involving private security and police guarding the El-Hillal mine were brought up regularly during interviews. Two recent incidents that are said to have resulted in the **death of two young men** have been reported extensively in local media. One was a 23-year-old father of a baby of eight months. He was reportedly shot by a police officer on 10 March 2022 under unclear circumstances. According to police, he was killed on the El-Hillal concession in a fight as he tried to take an officer's gun. His parents dispute this and believe he was shot outside the concession, unprovoked and from a distance.¹⁹⁸ The police reportedly offered the family TZS 100,000 (ca. €37) to pay for funeral costs. While Shinyanga's regional police commander told the Nishape newspaper that there would be no legal action as the police officer rightfully acted in self-defence, the Minister of Internal Affairs ordered an investigation into the killing in April 2022.¹⁹⁹ IPIS has not managed to obtain further updates on this case since.

196 Kishapu District Council, Wachimbaji wadogo wa madini waliovamia eneo la Mgodini wa Al-Hilal watakiwa kuondoka, 21.1.2021.

197 Sonna A., 'Prof. Many atoa siku mbili wavamizi kuondoka eneo la mgodoro wa kampuni ya el hillal shinyanga', Fullshangwe blog, 22.1.2021.

198 'Risasi iliyomuua Mwanakijiji Mgodini inavyozua Mtafaruku', Nipashe, 3.4.2022.

199 'Utata watawala kifo cha kijana kwa risasi mgodini', Nipashe, 7.4.2022.



▲
Figure 3.5: Artisanal miners working on part of El-Hillal's license area listening to instructions from Deputy Minister of Mines Manywa (Photo: Mchanyiko News, January 2021)

The other reported incident involving El-Hillal concerned a 19-year old man who was shot on 19 May 2022 by one of El-Hillal's private security guards when he was caught fishing in the mine's dam with his brother. The director of El-Hillal's security company reportedly gave the family TZS 200,000 (ca. €75) to pay for his coffin.²⁰⁰ As far as IPIS was able to verify, there have been no further consequences for this incident to date, as the police indicate that a court case cannot be opened as long as the guard responsible for this killing remains unidentified.

In addition to these documented cases, respondents reported various other serious incidents that are alleged to have occurred at the mine over the past year. Regularly recurring were accounts of an adolescent who is alleged to have been severely abused by El-Hillal's security guards in November or December 2022 while herding his cows in Buchambi village. The guards handed him over to Kishapu district police for trespassing whilst he was in urgent need of medical care. With some delays, his friends and family were able to get him to the hospital. Together they covered the substantial medical bills. Reports of sexual violence by guards also surfaced, although more detailed investigations are needed to better understand the circumstances, nature and frequency of these alleged abuses.

200 'Bwana harusi alivyouawa kwa risasi akivua samaki mgodini', Nipashe, 11.10.2022.

Testimony from a farmer from Ng'wangh'olo village suggests the potential use of arbitrary detention as a form of deterrence by El-Hillal guards. In May 2021, guards claiming to be chasing intruders ran into him while he was caring for his livestock just next to his house. During what he reports to have been an extremely intimidating experience, and without offering any reason, these guards put him into their truck and brought him to Kishapu district court. There he was treated like a criminal and put in prison, where he spent 14 days before being released on a bail of TZS 300,000 (ca. €112). For 18 months, and under the stress of great uncertainty, he had to present himself monthly at court, until the magistrate eventually closed the case against him for lack of evidence in November 2022.

4. Reconciliation and healing: handling the grievance of human rights abuse

4.1. The emergence of grievance handling at the Williamson mine

The theory

Petra's Human Rights Policy, which was first adopted in 2016 and updated in May 2022, commits to ensuring "that stakeholders who are, or could be, affected by our activities have access to feedback mechanisms that are legitimate, accessible, timely, equitable and transparent".²⁰¹ This aligns with the recommendation for companies, under the 2011 UN Guiding Principles on Business and Human Rights, to set up **non-judicial operational-level grievance mechanisms**.²⁰² Operational-level grievance mechanisms are defined as "a formalised means through which individuals or groups can raise concerns about the impact an enterprise has on them – including, but not exclusively, on their human rights – and can seek remedy".²⁰³ These mechanisms should be designed to complement other avenues of accessing justice, including judicial ones. The latter often risk protracting or exacerbating harm due to the substantial obstacles they pose to victims of corporate harm in terms of complexity, cost and time limitations. A key function of operational grievance mechanisms is therefore to "enable problems to be addressed early before they escalate as well as helping to identify patterns over time, thus feeding directly into broader human rights due diligence".²⁰⁴

To ensure fairness and prevent companies becoming judge and jury over harms they themselves are implicated in, the UN Guiding Principles prescribe several **effectiveness criteria**. Non-judicial grievance mechanisms should be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue.²⁰⁵ The Principles warn that "[p]oorly designed or implemented grievance mechanisms can risk compounding a sense of grievance amongst affected stakeholders by heightening their sense of disempowerment and disrespect by the process".²⁰⁶

The practice

In 2018-2019, when IPIS conducted surveys in 11 villages adjacent to Williamson Diamonds' operation, **none of the locals appeared to be aware of the existence of any grievance mechanism** operated by the mine.²⁰⁷ The location of the mine's community relations office – then, still behind the entry gate to Mwadui – and the fear of many locals to pass security guards on their way there, meant that very few managed to bring their grievances directly to the mine's attention. In a June 2019 response letter to the Kimberley Process Civil Society Coalition that had raised concerns about serious human rights abuses at the Williamson mine, Petra referred to a comprehensive stakeholder engagement plan implemented at mine level in 2010. This purportedly

201 Petra Diamonds, *Human Rights Policy Statement* (London, 2022), para. 7.

202 Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, (OHCHR, New York/Geneva, 2011), Principle 22.

203 SOMO, CEDHA and Civedep India, *How to use the UN Guiding Principles on Business and Human Rights on Business and Human Rights in company research and advocacy in company research and advocacy: A guide for civil society organisations* (Amsterdam, 2012), p. 8.

204 Shift, Oxfam and Global Compact Network Netherlands, *Doing Business with Respect for Human Rights: A Guidance Tool for Companies* (2016), p. 104.

205 OHCHR, *Guiding Principles on Business and Human Rights* (New York/Geneva, 2011), Principle 31.

206 Ibid.

207 IPIS, *Dissecting the social license to operate: Local community perceptions of industrial mining in northwest Tanzania* (Antwerp, 2019), pp. 50-52.

included “a grievance, enquiry and complaint mechanism” for the Williamson mine.²⁰⁸

In contrast to this statement and what Petra claimed in for instance its Human Rights Policy, Petra’s CEO Richard Duffy told RAID in an on-the-record meeting in September 2020, that he did not have sufficient information to answer whether a grievance mechanism was in place at the Williamson mine, but that **whatever was in place was “not effective”**.²⁰⁹ In a written response to RAID in November 2020, Duffy noted that Williamson Diamonds had opened a new and accessible community office outside the main gates manned by a trained and experienced community outreach officer. This initiative was accompanied by the launch of a dedicated grievance desk “to accord community members, leaders and anyone with any issues to raise them in a free, unimpeded and open environment”.²¹⁰ He further announced plans to provide hotline numbers for calls, messaging and WhatsApp. Earlier, in 2018, Petra had already started developing and implementing a software system to capture, profile, schedule and manage community engagement.²¹¹

Two new grievance mechanisms

As part of the 2021 settlement, Petra committed to implementing a two-tiered grievance mechanism.

The first tier is a **community grievance mechanism (CGM)** “to deal with any day-to-day issues”.²¹² Fully embedded within Williamson Diamonds, the CGM is managed by the mine’s community relations office. IPIS did not manage to find any public information on the design and procedure for this mechanism, and many community respondents did not appear to be aware of its existence. Petra wrote to IPIS that this mechanism has been functional and accepting grievances since early 2021. According to Petra, most grievances handled by the CGM have been filed by contractors, sub-contractors and former employees concerning alleged wage issues. Yet Petra also received complaints “concerning [gender based violence] in local communities, issues with livestock and access to land”.²¹³ Whilst not providing a breakdown of the type of complaints lodged and how they were handled, Petra noted that 95% of complaints have resulted in the complainant accepting the proposed resolutions. These purportedly included dropping the complaint through mediated dialogue, being directed to other services like the police, and the rectification of impacts, such as returning property or making a change in Williamson Diamonds’ operating practices. Petra shared a visualization from a brochure on the CGM with IPIS (see Figure 4.1), but did not state if, when or how this has been distributed in the villages around the mine, or whether it also made a translation to Swahili or any other local language.

208 Kimberley Process Civil Society Coalition, *Real Care is Rare: An on-the-ground perspective on blood diamonds and the fifth ‘C’* (Harare, 2019), p. 22.

209 RAID, *The Deadly Cost of ‘Ethical’ Diamonds: Human Rights Abuses at Petra Diamonds’ Tanzanian Mine* (London, 2020), p. 33.

210 Petra Diamonds, *Letter to RAID*, dated 11.11.2020.

211 Petra Diamonds, *2018 Sustainability Report: Optimising value* (London, 2019), p. 55; Petra Diamonds, *Annual Report and Accounts 2019: Foundations for the future* (London, 2020), p. 56.

212 Petra Diamonds, *Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary*, 12.5.2021.

213 Petra Diamonds, *Response letter to IPIS* dated 24.8.2023.



▲ **Figure 4.1: Visualization from a brochure on the CGM shared by Petra in its response letter to IPIS.**

The second tier is the **independent grievance mechanism (IGM)**, which serves “to investigate and resolve complaints alleging severe human rights impacts in connection with security operations at the Williamson mine”.²¹⁴ The ultimate objective of the IGM is to promote reconciliation between the Williamson mine and the broader community. In essence, it aims to give all those who suffered security-related human rights abuse, and who were not part of the legal claim submitted in the United Kingdom, an opportunity to be heard and get remediation. Many people did not hear about the opportunity of litigation that had been facilitated by Leigh Day, as ‘the lawyers from London’ – as they were generally called – visited the area discretely in order to protect potential applicants. Moreover, the COVID-19 pandemic prevented them from conducting several visits to the area.

As the second tier forms the main focus of this research, the section below details what IPIS managed to find out about its design, how awareness-raising has been undertaken and what locals have picked up from this. Based on an assessment of structured surveys with 83 complainants to the IGM, the subsequent section presents lived experiences of the complaints handling process. Specific attention will be paid to interaction with IGM representatives, evidence gathering, equitability, gender-responsiveness and the ultimate objective of effective remediation.

4.2. Design of the independent grievance mechanism

Whilst the IGM is funded by Petra,²¹⁵ in order to ensure its impartiality, its design and development are overseen by the external consultancy Synergy,

214 Petra Diamonds, Williamson Mine: Update on IGM and Community Projects for Q1 FY 2023, 29.11.2022.

215 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.

and it operates independently of both Petra and Williamson Diamonds. Not much has been communicated about what precisely Petra committed to under the settlement in terms of the scope and design of the mechanism. In its announcement of the settlement, Leigh Day stated that, in alignment with the UN Guiding Principles on Business and Human Rights, the IGM “is intended to allow any future complaints of personal injury, sexual violence, false imprisonment and other human rights abuses at and around the Mine to be resolved fairly, locally, transparently and quickly”.²¹⁶ It emphasized that it “will be monitoring the implementation of this grievance mechanism carefully and fully expect[s] that Petra will honour all the commitments it has made as part of this settlement”.²¹⁷ If not, Leigh Day “retains the right to offer legal representation to those with valid grievances”.²¹⁸

Lack of published information on design fuels confusion

The only publicly available information on the IGM comes in the form of Petra’s rather concise periodic updates on the IGM and community projects, which are also reflected in its annual sustainability reports.²¹⁹ In October 2023, Petra published the first report of the IGM’s independent monitors.²²⁰ This does not detail the mechanism’s design but gives important insights in the learnings from the IGM’s pilot phase (see below). This chapter complements such information with insights gathered from consultations and exchanges with Petra, Synergy, civil society organizations involved in awareness-raising, local residents and local authorities. The absence of public documentation on the IGM’s design and procedures creates room for unnecessary confusion and fails to accommodate the much-needed scrutiny that this highly-anticipated initiative requires, both locally and internationally.

A first point of confusion that IPIS noted among residents is the **period for which claims will be considered eligible** for consideration by the IGM. When the settlement was reached, Petra communicated that the mechanism is specifically aimed at considering “any additional historical incidents, and any future human rights claims, and providing redress where necessary”.²²¹ Respondents indicated, however, that the mine’s community relations officer, who took the lead in awareness-raising on the IGM, initially communicated that the mechanism would not accept complaints of incidents that occurred before 2012. Addressing local media, the chair of the IGM’s independent panel of experts stated that this would be extended to cover incidents that occurred since 2009, when Petra took majority ownership of the mine, and until 2021.²²² Several respondents indicated that this still caused frustration in village meetings with those who had suffered abuses before 2009. A woman, who claims to have been raped by the mine’s security guards in 2007, told IPIS that she still submitted her complaint to the IGM, reasoning,

“If you are a new tenant and you find dirt left by the previous owner, will you not clean it and continue to live with it just because it’s not your dirt?”²²³

The cut-off date for incidents also concerned locals. It leaves alleged victims of recent abuses by the mine’s security guards unsure of where to turn. In its response letter to IPIS, Petra stressed that “a significant number of grievances has been filed” and that the IGM “will stay operational for as long as it takes to investigate all those grievances”, including those “concerning more recent incidents since

216 Leigh Day, Settlement agreed with Petra Diamonds Limited following claims of serious human rights abuses, 12.5.2021.

217 Ibid.

218 Ibid

219 These updates are posted here:

<https://www.petradiamonds.com/our-operations/our-mines/williamson/allegations-of-human-rights-abuses-at-the-williamson-mine/>. The sustainability reports can be accessed here: <https://www.petradiamonds.com/sustainability/>.

220 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023).

221 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.

222 ‘Mwadui mine opens new page to enhance relations with communities’, The Guardian (Tanzania), 31.11.2022.

223 IPIS interview with local resident, 28.4.2023.

the settlement in May 2021”.²²⁴ These statements still appear to suggest that Petra views the IGM as a **temporary facility**. If so, the seemingly now temporary nature of the IGM raises questions about where victims of new human rights abuse should turn after its closure. It also contradicts how both Petra and Leigh Day communicated about the IGM on the day of the settlement, when a clear intention that the IGM be used to resolve “any future” complaints of human rights abuse appeared to have been formulated.²²⁵ Nevertheless, Petra’s letter to IPIS did clarify that the IGM will accept claims of abuses by third parties, such as the police relating to its operations, and not only those relating to harm directly caused by its staff or security contractor.²²⁶

IGM development

A **first prototype IGM** was designed in the first half of 2021 and based on internal consultations, learnings from the tier 1 mechanism (CGM – see above) and the effectiveness criteria of the UN Guiding Principles. It was subsequently presented for feedback to mainly national-level government stakeholders, and thereafter to civil society organizations and community leaders.

IPIS was consulted by Synergy as an external civil society stakeholder in August 2021. During this engagement, the main principles guiding the IGM’s design were explained. As a first principle, the IGM should be seen as a **Tanzanian and independent solution**. Upon completion of the design, it is

therefore to be handed over to and run by respected Tanzanian experts that operate in alignment with Tanzanian laws and without any degree of control by Petra or Williamson Diamonds. Secondly, the design should ensure that complainants see the IGM as a trusted, safe, legitimate, honest, effective and impartial means of obtaining a remedy. Safeguards, such as access to free and independent assistance from local lawyers, should make sure that people will not be afraid to come forward and understand this mechanism will help them access to fair and appropriate reparations.

These considerations and several rounds of consultation informed the eventual design of the IGM. In the absence of any published documentation, the description below is based on what IPIS was able to gather and may be incomplete.

The contours of the IGM

The role of **IGM secretariat** was, in November 2022, awarded to the consultancy firm PwC, which oversees overall administration and management.²²⁷ From the secretariat, five legal officers assist the IGM with, amongst other things, triaging claims. Petra wrote to IPIS that these officers exclude grievances “if they evidently fall outside the scope of the IGM, have been made in bad faith or are trivial, frivolous or vexatious”.²²⁸ Where a case is excluded, Petra added, one of the independent panel members will review the file before the decision is finalised, and the grievance can still be referred to the CGM or an alternative forum.

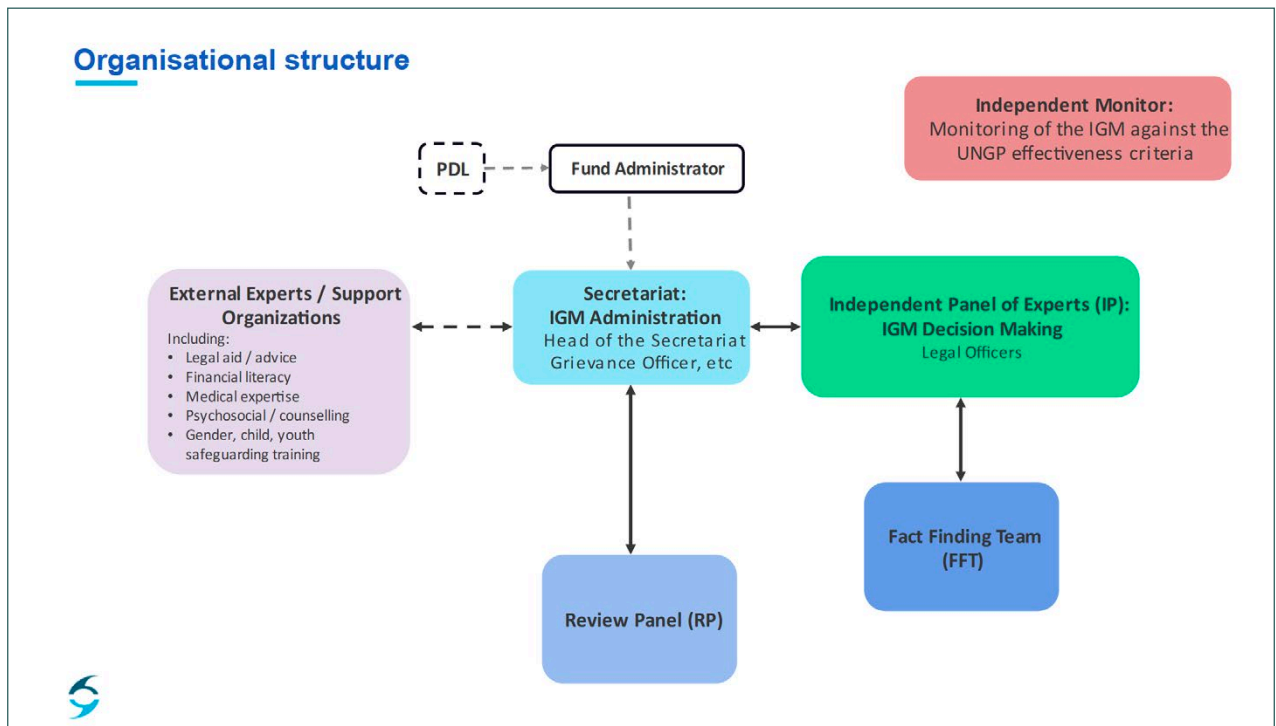
224 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

225 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021; Leigh Day, Settlement agreed with Petra Diamonds Limited following claims of serious human rights abuses, 12.5.2021.

226 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

227 Petra Diamonds, Williamson Mine: Update on IGM and Community Projects for Q1 FY 2023, 29.11.2022.

228 Petra Diamonds, Response letter to IPIS dated 24.8.2023.



▲ **Figure 4.2: Visualisation of the IGM's organizational structure, prepared by Synergy and shared by Petra in response to IPIS' questions**

For non-excluded claims, a member of **the fact-finding team** subsequently interviews the complainant and verifies the evidence provided as well as other relevant documents to assess whether the evidentiary threshold has been met. Petra specified that Williamson Diamonds preserved relevant documents within its control, possibly including incident logbooks, visitor registrations, medical records, etc. The fact-finding team also has the ability to approach third parties to request other potentially relevant documents, if a case so merits.²²⁹

Based on its interviews and assessment of evidence, the fact-finding team makes a recommendation to the IGM's **independent panel of experts** with regard to the admissibility of the case and any potential approach to remedy. This panel is made up of four senior Tanzanian lawyers and constitutes the most important organ of the IGM. It is tasked to decide on the admissibility of claims and the nature and amount of reparations due in dialogue with the complainant.

The panel is solely concerned with remediation, and not with determining the criminal nature of alleged acts nor with seeking prosecution of perpetrators. Both claimants and Williamson Diamonds have the opportunity to appeal the panel's decision before a **review panel**.

Finally, two **independent monitors**, one Tanzanian and one international, were appointed in June 2022 to control, report on and drive continuous learning on the mechanism's effectiveness and suitability in terms of the criteria and objectives set. The first independent monitor is Harold Sungusia, former director of advocacy at Tanzania's renowned non-governmental Legal and Human Rights Centre and current President of the Tanganyika Law Society. Femi Omere, a Nigerian-UK national and former London barrister is the second monitor. According to Leigh Day, the independent monitors are supposed to publicly report on the IGM on a six-monthly basis.²³⁰

229 Ibid.

230 Leigh Day, Settlement agreed with Petra Diamonds Limited following claims of serious human rights abuses, 12.5.2021.

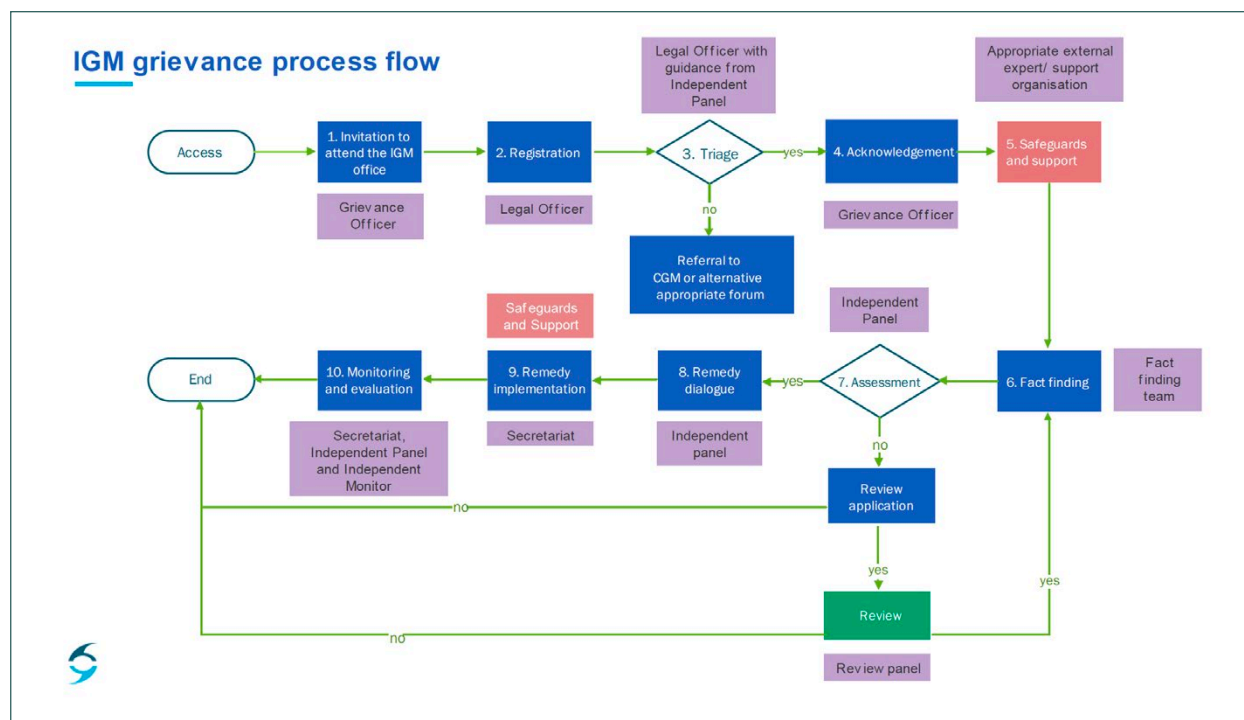
IGM pilot marks the dawn of hope for victims

The initial plan to develop and implement the IGM within a year²³¹ appears to have been delayed. In late 2022 things shifted up a gear. The appointment of PwC in November 2022, saw it immediately begin to **appoint the IGM’s staff**. Central among these was the chair of the independent panel, who needed to be an impartial, widely respected and experienced Tanzanian. They found this in Dr Rugemeleza Nshala, co-founder and President of one of Tanzania’s most respected NGOs, the Lawyer’s Environmental Action Team (LEAT).²³²

Following the appointment and training of other members of the independent panel, the fact-finding team and the secretariat’s legal officers, the IGM

became operational with the launch of a **pilot phase** on 28 November 2022. The opening of the IGM office in Shinyanga town a day later completed the IGM’s kick-off.²³³

The pilot phase involved a six-month test round with around 360 selected claimants. On this basis, the two independent monitors oversaw an evaluation of the process against the UN Guiding Principles’ effectiveness criteria. Their first report was published by Petra in October 2023 and offers an insightful reading that addresses both strengths and areas for improvement of the IGM. Its recommendations and observations will be referenced throughout this chapter. This first publication should be followed by six-monthly reporting going forward.²³⁴



▲ **Figure 4.3: Visualisation of the IGM’s grievance process flow, prepared by Synergy and shared by Petra in response to IPIS’ questions**

231 Ibid.

232 In August 2023, Human Rights Watch reported that Dr Nshala had fled Tanzania after being summoned by the police and receiving death threats for vocally criticising a controversial deal with the United Arab Emirates concerning the management of major Tanzanian ports (Human Rights Watch, ‘Tanzania: Critics of Port Deal Arrested’, 7.8.2023). It is not clear how these developments impact Dr Nshala’s role as chair of the IGM’s independent expert panel.

233 Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q1 FY 2023*, 29.11.2022.

234 Petra Diamonds, *Response letter to IPIS dated 24.8.2023*.

For numerous victims, the announcement of the IGM came as a **considerable relief**. After many years of failing to get recognition for their pain and trauma, they are now hopeful of finally getting justice. According to Kishapu member of parliament, Boniface Butondo, the IGM heralds the end of conflict between the mine and the people around it by “opening a new page for good relations between the two sides”.²³⁵

4.3. Community engagement and awareness

IPIS’ research confirms that considerable efforts were made to raise awareness about the IGM. However, it also reveals important challenges and missed opportunities in the communication and information provided to residents, from awareness-raising, to registration and complaint handling.

Various locals narrated how a company car equipped with loudspeakers had passed through their village and called for people to gather at the ward or village office in the second half of 2021. There, the Williamson Diamonds community relations manager and other company representatives told them about the **existence of IGM and the registration process** that had opened at the mine’s community relations office. Those who missed this passage went on to hear about it in the weekly village meetings, where leaders regularly reminded villagers about the IGM.

In its response letter to IPIS, Petra states that **village level engagement** meetings served to explain the intention behind the IGM and seek feedback from communities to improve its design.²³⁶ This engagement was overseen by Bahame Nyanduga, a Tanzanian High Court advocate and former chair of Tanzania’s national human rights institute CHRAGG (Commission on Human Rights and Good Governance). Since the launch of the IGM, the independent expert panel took over this responsibility, with Mr Nyanduga still supporting as an advisor on stakeholder engagement.²³⁷

Requiring complainants to go to the mine’s community relations office to register complaints may reflect the fact that the IGM itself had not yet been set up in 2021 (nor throughout most of 2022), nor had any of its staff yet been recruited. However, this practice did not help to convince claimants of the **IGM’s independence** from Petra or Williamson Diamonds, undermining the considerable effort put into designing the IGM to ensure this. As noted by the independent monitors, the joint community engagement efforts by Williamson Diamonds and IGM staff are another element that may undercut the perception of independence.²³⁸

IPIS survey findings regarding awareness

As discussed, IPIS conducted structured surveys with 83 complainants in April and May 2023 (see Box 5). About half of surveyed **complainants had heard of the IGM from several different sources**. Most people heard about it directly from company representatives (54). Besides this, people mention fellow villagers (49), and village meetings (33) as key sources of information. Five respondents indicate they were informed by a local civil society organization and three heard about the IGM on the local radio. The latter is in line with Petra’s communication that Williamson Diamonds had partnered with a local broadcaster to ensure awareness-raising.²³⁹ A radio feature on the IGM was reportedly aired in February and March 2022 and was followed by listening clubs in each village. There, follow-up questions were compiled and addressed in a second segment of the radio broadcast in April and May 2022.²⁴⁰ Notably, the initial awareness-raising on the IGM seems to have taken place purely verbally as none of the surveyed complainants remembers having seen any printed material, such as leaflets, posters or handouts. After registration, claimants did receive copies of the registration form with information on the IGM’s processes.

235 ‘Mwadui mine opens new page to enhance relations with communities’, *The Guardian (Tanzania)*, 31.11.2022.

236 Ibid.

237 Ibid.

238 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 9.

239 Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q1 FY 2023*, 29.11.2022.

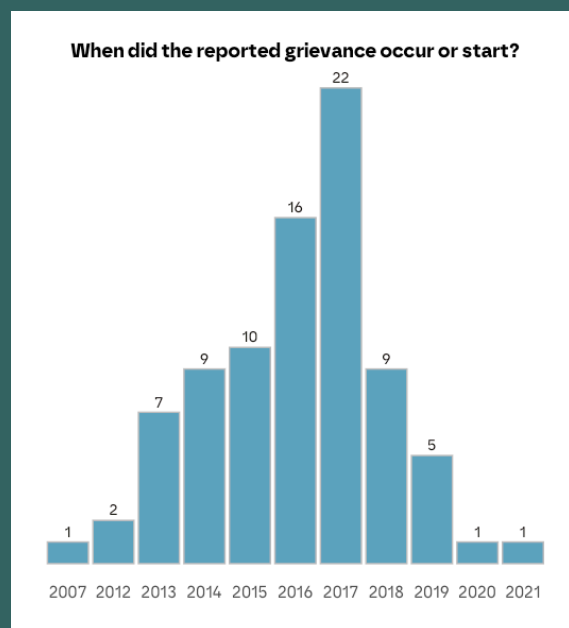
240 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

Box 5: Survey sample of IGM complainants

In selecting 83 survey respondents that registered a complaint with the IGM, IPIS tried to ensure a diversity of people based on the following **criteria**: gender, age, economic background, village of residence, and advancement in the IGM process. This resulted in a sample of 47 men and 36 women of different ages between 21 and 87 years old, quite equally spread over the 12 villages around the Williamson mine. Most survey respondents were farmers (74), regularly in combination with other economic activities. Besides farming, respondents engaged in artisanal diamond mining (33), small commerce (15), technical work (6), and catering (1). Four had no income generating activity, and no respondents work for Williamson Diamonds. 69 respondents used the local Sukuma language as their mother tongue, 13 Swahili and one Nyamwezi. Four of those surveyed had finished secondary education, 59 had finished primary school and 20 had never completed any education. About half of the sample had either limited or very limited reading and writing skills in Swahili, the language used for IGM communications. Only one respondent had a good understanding of English, 10 a limited understanding and 72 had very limited knowledge.

15 survey respondents had not yet been invited for a first interview at the IGM office. The 68 others had passed the triage stage and were in **different phases** of fact finding. In April and May 2023, none of the respondents had yet been informed of whether they had a right to compensation, and if so, how much. As such, they had not (yet) had to consider the option of going through to the review panel.

Nearly all grievance reports involved **allegations** of physical violence (79). In addition, 15 involved sexual violence, another 15 psychological violence, five damage to property, and four related to the death of a family member. All surveyed claimants pointed to abuses on the Williamson concession by the mine's security guards, and in one case such abuse also allegedly involved the police. Most reports concerned incidents that happened between 2012 and 2019, while two are more recent, and one dates back to 2007, thus preceding the official temporal scope of the IGM.



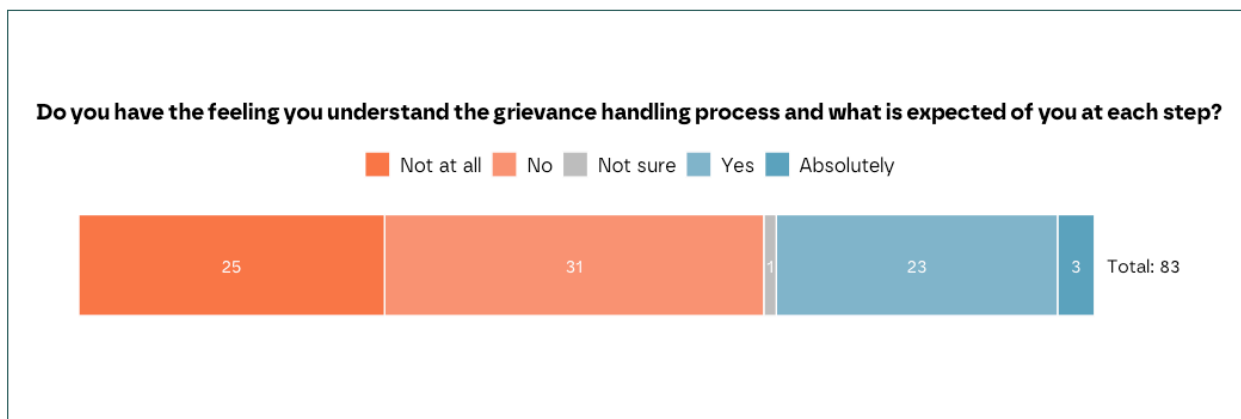
◀ Figure 4.4: Distribution of grievances over time

Generally, the message that victims of human rights abuse could go to register a complaint at the mine's community relations office appears to be well and widely received. Beyond this, however, there appears to be considerable **disparity in what people picked up**. Less than half of survey respondents (36 out of 83) appeared to correctly understand the main purpose of the IGM as remediating human rights abuses linked to the mine's security. Over half (39) believed they could lodge complaints for any negative impact caused by the mine, while a small group (8) remained unsure.

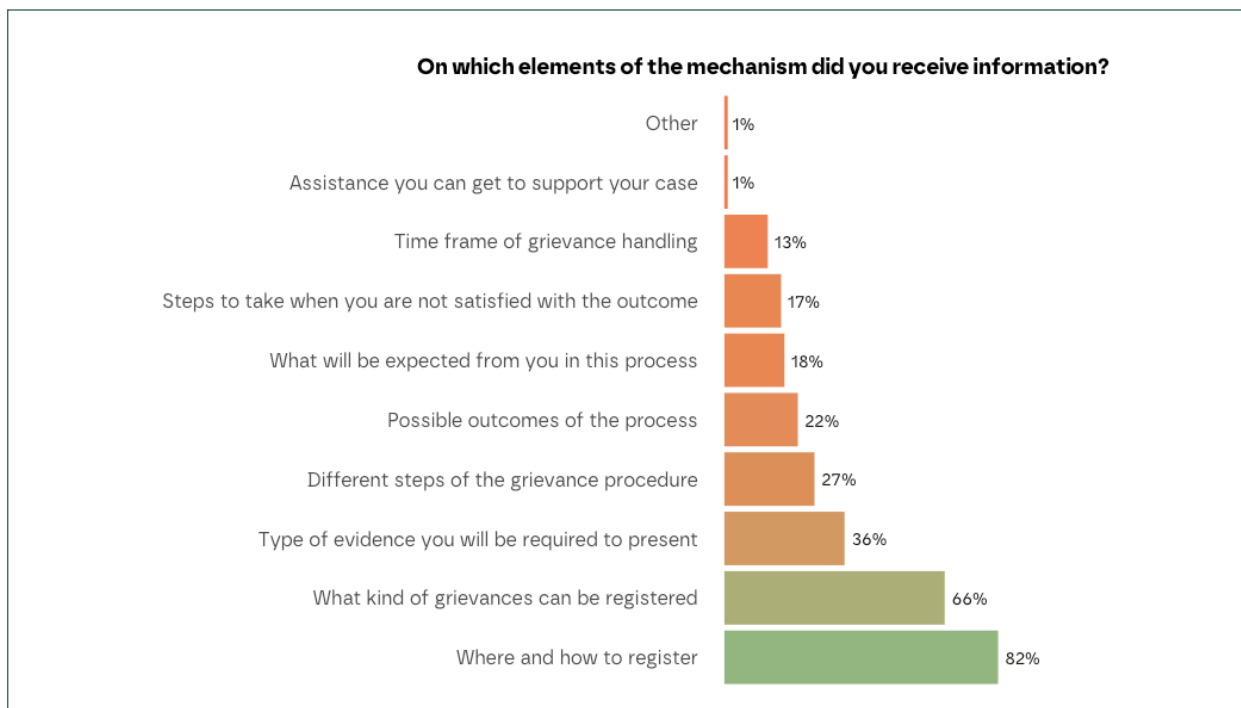
A recurring concern of survey respondents was a **lack of clarity on what would happen with their complaint after registration**. Who would evaluate

it, how, when, according to which criteria, and based on what kind of evidence? Most survey respondents (56) signalled that they had lodged a complaint whilst 'rather not' (31) or 'not at all' (25) understanding the process or what was expected from them at every step (see Figure 4.5). Awareness-raising efforts thus either lacked detail or failed to put this information across clearly. While 82 out of 83 respondents indicated that they received information on where and how to register, only 27 claimed to have been informed of the different steps of the procedure, 18 on what is expected from them, and just one respondent confirmed to have been informed of the kinds of assistance and support available during the process (see Figure 4.6).

▼ Figure 4.5: Survey replies on understanding of the IGM



▼ Figure 4.6: Survey replies on awareness-raising concerning the IGM



Furthermore, several of the residents of the mine's adjacent villages who were interviewed by IPIS in February 2023 had **never heard of any grievance mechanism** at Williamson Diamonds. Strikingly, this included both people who said they had suffered violence at the hands of the mine's security guards in the past years, as well as those who had only recently exchanged with the mine's representatives due to damage caused by the tailings dam breach (see chapter 2).

One group that appears to have been especially insufficiently reached by awareness-raising efforts despite accounting for many potential complainants, were **artisanal miners**. Often still driven by poverty or a lack of other income-generating activities, this group includes many people who are not well integrated into formal or customary village structures, whether because of their disadvantaged status or migratory background. To reach them, awareness-raising efforts should arguably have targeted miners more directly, for instance through a representative body like the Shinyanga regional miners' association (SHIREMA).

Various respondents in both IPIS stakeholder interviews and structured surveys expressed a **need for more awareness-raising**, not just to make sure that all victims are reached, but also to avoid that genuine claimants are found ineligible because they do not understand what is expected from them. One suggested avenue is by making better use of the 22 community animators, coordinated by the NGOs Her Dignity and AGAPE (see section 1.5). These have become resource persons for many locals on issues related to mine's grievance handling, because they received the comprehensive training on the IGM as part of their work on the sexual and gender-based violence campaign. Giving them a mandate, materials and resources to assist with ongoing awareness-raising could make sure this effort is better adapted to the needs, capacities and questions of local residents. The first independent monitor report also recommends the IGM to look at ways to "demystify" its processes by increased local outreach and engagement, including through community animators.²⁴¹



▲ **Figure 4.7: Blurred picture of a completed complaint registration form (Photo: IPIS, 2023)**

A sizable volume of complaints

Williamson Diamonds' **de facto** word-of-mouth approach did reach a lot of people. Registrations opened in August 2021 and in November 2022 Dr Nshala announced that the IGM had received **5,575 complaints**.²⁴² Such high numbers were probably not expected and may have swamped the IGM. This could potentially contribute to explaining the delays in the IGM's launch.

Many locals believe that a number of these complaints have been made by outsiders, who have never been to or lived around the Williamson mine, but who have just speculatively sought to access compensation money. On the other hand, IPIS also spoke to several alleged victims who had not been able to lodge a complaint. As mentioned above, some had not yet heard about the IGM; others who had heard about it had been told at the mine's community relations office that from November 2022, registration had been closed. They did not receive any indication of when it might reopen. Petra told IPIS that registration had since reopened after "a brief recent pause [...] to allow the IGM to triage and work through the current grievances".²⁴³

241 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 8.

242 'Mwadui mine opens new page to enhance relations with communities', The Guardian (Tanzania), 31.11.2022.

243 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

Information provision during and following registration

Respondents narrated how **during the registration process** they were called into the mine's community relations office one by one, often from long queues outside, where they were asked to confidentially describe the incident they wished to lodge. A written record of that incident report was kept by the mine, while claimants received a copy of the registration form. This form included essential information, such as the date of registration and the name and phone number of suggested witnesses. Those who had difficulty reading or writing were allowed to bring a trusted person to assist them. No submission of evidence was required or allowed at this stage. People were told that after initial triage, those whose claims fall within the scope of the IGM would receive a phone call to be invited for an interview where they could present any supporting material or evidence.

After registration, most people that IPIS interviewed **heard nothing more about their complaint** or the overall progress of the IGM for up to a year. Respondents indicated that no staff from Williamson Diamonds or the IGM came to their village to offer any update. Village authorities referred those asking for news to the mine's community relations office, where they were told to wait for a phone call. The civil society animators IPIS spoke to equally reported getting lots of questions from confused villagers, though they had no further information to give them. Locals who thought that they had understood the IGM process said that they started doubting themselves, while others assumed that the mine was once again engaging in the breaking of promises.

In January 2023, people suddenly started hearing about fellow villagers being called to a new IGM office in Shinyanga. People did not generally seem to be aware that these individuals were selected complainants chosen for processing during the pilot phase of the IGM. This led to more **anxiety** as people who lodged a complaint early on did not understand why others who registered much later were being invited to an interview and not them. They feared their complaint was either lost or dismissed without them being notified of this. The selection of claimants does not appear to have taken into seriousness or

urgency of allegations, allowing at least one recent concerning allegation to remain unaddressed for at least 16 months (see Box 3, chapter 3).

Lack of information is one of the most recurring frustrations expressed by respondents and appears to have led many of them to lose trust in the IGM. Various respondents expressed feeling powerless and reliant merely on the goodwill of the company. One claimant from Buganika village stated:

“I did not hear anything from the IGM or the mine for over a year, but I keep quiet and believe God will help me one day. My main hope is to get some compensation money that would allow me to open a small shop, as I can't do any hard work anymore because of my injuries. I would also really want the guard who shot me for no reason to be prosecuted, but I have no idea how that would work.”²⁴⁴

Continued communication is key to avoiding a sense of resignation among complainants. **Once people are updated about their case, their optimism is often restored.** Most (57 out of 63) of the survey respondents who had advanced beyond the registration phase were hopeful that their claim would be handled fairly. By contrast, of the 15 people in our sample who had not yet received a first hearing, most felt negatively or uncertain about the fairness of the IGM. Petra has informed IPIS that another round of community engagement took place at the close of the IGM pilot phase in June 2023.²⁴⁵

4.4. Claimants' engagements with IGM staff

The much-anticipated phone call

Complainants avidly anticipate the phone call inviting them for an interview at the IGM office. Those still waiting for this call expressed fear that they may have missed it due to the poor network, an empty battery

244 IPIS interview with local resident, 15.2.2023.

245 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

or because they changed phone numbers. Several respondents indicated that the IGM secretariat had made considerable efforts to reach them, including by going through village leaders. Nonetheless, it is quite concerning that, as reported by the independent monitors, the IGM was **not able to reach** 20% of the 360 initially selected claimants for the pilot.²⁴⁶

Those respondents who had received the call shared that on the day of their interview, a car comes to the village to pick up all claimants with an appointment at the IGM office in the morning and brings them back in the evening. A frequent frustration among applicants was that there is **no advance notice** of the interview date, and thus no time to adequately prepare. According to respondents, they typically received their call in the evening and are requested to appear for an interview the next morning. Little to no consideration was reportedly given to their own schedules or availability. If they miss the transport, they have to get to Shinyanga on their own expenses. A woman from Ikonongo village recounted her experience:

“On the day of the pick-up I had a problem with my phone and the driver could not reach me so I missed the transport. When I managed to fix my phone and call back I was told I had to find transport myself to go to Shinyanga. Luckily my neighbour was willing to lend me some money, otherwise I would not have been able to get there.”²⁴⁷

The unpredictability of the process seems to be making many respondents nervous. Keen not to miss their opportunity to be heard, some community

members are cancelling travel plans or longer-term commitments to guarantee their availability.

Barriers to access at interview stage

Another stressor for many respondents is **the location of the IGM office in Shinyanga**. Not only is this due to challenges around transport, but also the anxiety of having to go on their own, away from the security of their communities, to the big city where they are surrounded by unfamiliar faces. Respondents shared that this prospect adds to what is for many an already stressful experience of being heard by very senior and educated people about personal and traumatic issues that involve allegations against a powerful mining company and – in their eyes – the dangerous people that used to work for it. Several respondents said that they had initially been told that the office would be located in Mwadui Lohumbo, closer to the mine and the affected communities. Petra responded to IPIS that one of the potential improvements under consideration following the pilot is moving the IGM office to another location.²⁴⁸ Locating it within or closer to claimants’ communities would also make it easier for them to seek updates or communicate relevant issues, such as the change of a phone number.

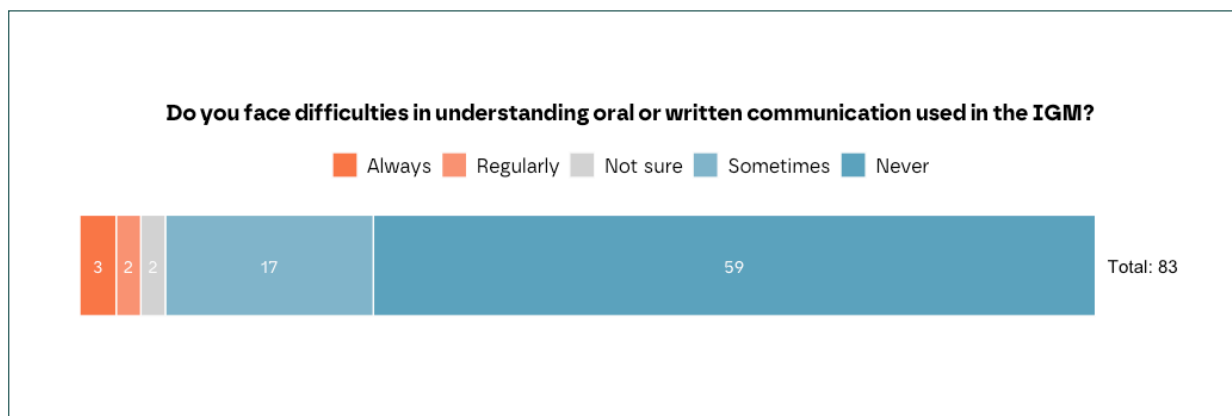
According to those surveyed by IPIS, **language barriers did not generally appear to pose problems** during the interviews and engagements with IGM personnel. Interviews are held in Swahili. Translations to Sukuma were reportedly available for the people who needed it. A large majority (59) of survey respondents indicated that they never faced difficulties in understanding oral or written communication used in the grievance handling process. 17 respondents reported to have had difficulties sometimes, two regularly, three always and two were not sure (see Figure 4.8). Some challenges were due to literacy or the poor eyesight of claimants (who are often not able to afford reading glasses) and were to some extent handled by IGM staff reading out any written documentation.

246 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. i.

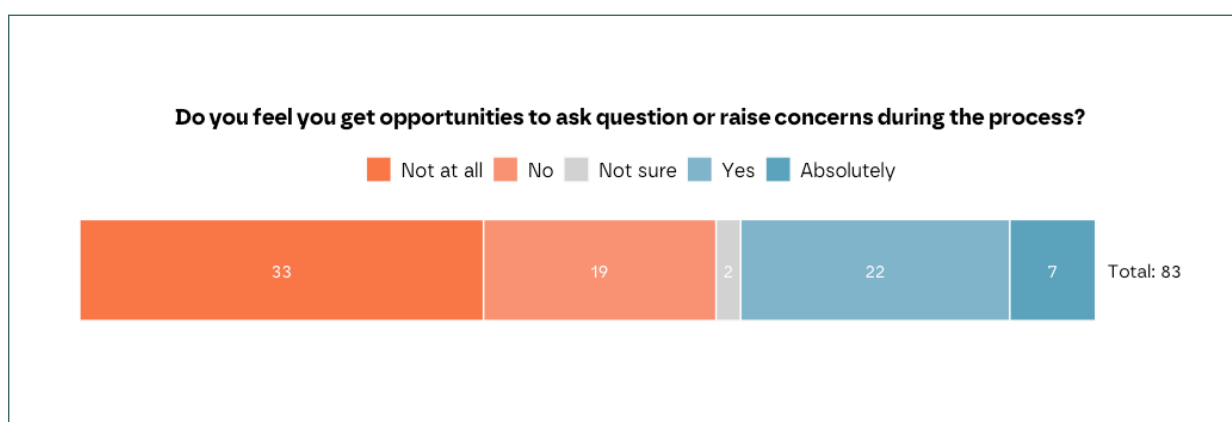
247 IPIS interview with local resident, 29.04.2023.

248 Petra Diamonds, Response letter to IPIS dated 24.8.2023

▼ Figure 4.8: Understanding IGM communication



▼ Figure 4.9: Opportunities to ask questions or raise concerns



Most respondents did experience communication to be one-way and **insufficiently inclusive**. Nearly two-thirds (52) responded “rather not” (19) or “not at all” (33) when asked whether they were given opportunities to ask questions or raise concerns during the process (see Figure 4.9).

Various respondents referred to **interviews as intimidating** and akin to police interrogations. This was reportedly reflected in some of the language used by IGM staff, which is said to have included terms like ‘detective’/‘investigation’ (*upelelezi*) and ‘truth finding’ (*kutafuta ukweli*). Many respondents reported finding the use of such language overwhelming, giving them the feeling that IGM staff were not there to assist them to achieve remedy, but rather to find weaknesses in their testimonies. Experiences narrated by survey respondents suggest a rather adversarial process that can be disempowering for victims. A number of

respondents even alleged that IGM staff had told them several times that they were lying and submitting fake complaints just to get compensation. One young man from Songwa village who submitted a report related to a serious leg injury following beatings by the mine’s security guards said:

“When I told IGM officers about what the guards did to me in 2017 some of them responded that I was lying, that I was a criminal who illegally entered the mine and that the guards did nothing wrong. It hurt me very much to hear that, as I was so hopeful to finally get recognition”.²⁴⁹

249 IPIS interview with local resident, 4.5.2023.

These reported experiences appear to be in direct contravention of Petra’s Human Rights Policy, which states that its approach to grievance and dispute resolution is based on “respect, engagement and dialogue”.²⁵⁰ The first **independent monitor report of the IGM acknowledges initial shortcomings with the language, tone and action of IGM staff.** Yet, following an earlier round of internal feedback, the monitors observed a demonstrable shift with the IGM acting more as a human-rights centred entity treating claimants as rights’ holders. The report also mentions the introduction of an IGM phone number where parties can formulate feedback as well as a dedicated form where complainants can indicate their satisfaction levels with the process and decisions.

The independent monitors further find that the **handling of vulnerabilities** has gradually improved during the pilot, from a position of having virtually no services, to having a growing roster with qualified medical doctors and psycho-social experts available to assist throughout the procedure. They flag room for improvement by equipping legal officers and fact-finders with a deeper understanding of human-right-centred interactions and the appropriate handling of psychologically affected persons.²⁵¹

4.5. The burden of proof

The issue that arguably causes most **confusion among complainants** is what the IGM deems to be valid evidence of their claims and what burden of proof it will apply. Various survey respondents indicated that they lack guidance from the IGM on these matters and are thus unsure about how they are expected to prove the abuses they suffered, which often happened many years ago, in chaotic circumstances and with limited or no documented follow-up. This further made them question how the mechanism will ensure that actual victims are compensated instead of simply those ‘who know how to talk’.

The 2021 investigation overseen by an independent sub-committee of Petra’s board pointed to similar and understandable evidentiary challenges, exacerbated by the existence of conflicting accounts.²⁵² The

question then rises how the IGM will ensure that such understandable confusion and evidential limitations will not prevent genuine claimants from missing their chance at remedy. The IGM’s independent monitors report that **issues with how the burden of proof was initially applied** challenged the fairness of the process. In an unpublished interim report, the monitors therefore recommended the IGM to better reflect the likelihood of such high prevalence of human rights abuses and the difficulties to obtain evidence given issues such as the passage of time and poor memory induced by trauma. The monitors observed important improvements since making this recommendation, which led to the reversal of several initial decisions to reject certain claims.²⁵³

Nearly all survey respondents indicated that they have **some form of evidence** in support of their claims. Seventy-five respondents have a witness who can either testify on the incident itself or to the injuries they suffered. 52 respondents still bore physical markings from the injuries they suffered on their body, including scars or bullets under the skin. Documents are much less common. Only 13 respondents had any medical records, five a letter from local authorities, three a death certificate, two court documents and another two police records.

Challenges around documentary evidence

Many claimants did not appear to be aware of how they might secure access to documents and the importance of doing so. Those who were, pointed to various obstacles to being able to provide such evidence. When it comes to **medical records**, many people never went to the hospital to have their injuries treated, either because they could not afford to or because they feared prosecution. To get treatment in a public hospital or dispensary one needs a Police Form for Medical Examination, popularly known as a PF3. To avoid being arrested for trespassing by the police, most victims tended to their injuries themselves. Others have been helped by off-duty or retired nurses or doctors who treat them privately and informally, without any formal registration or accompanying paperwork. One artisanal diamond miner who was

250 Petra Diamonds, Human Rights Policy Statement (London, 2022), para. 7.

251 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), pp. 7-10 and 16.

252 Petra Diamonds, Findings of the independent Board Sub-Committee investigation into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania: Summary, 12.5.2021.

253 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), pp. 6-9.

allegedly shot and tortured by the mine's guards in early 2017 recounted his experience as follows:

“After the guards had left me for dead, my colleagues came to rescue me. They were afraid to take me to the hospital as they would be asked for the PF3 form and thus all be charged for a criminal offense. We asked a retired doctor from our village, but he hesitated as my wounds were much too severe to treat at home without the proper tools and infrastructure. However, a village leader helped to convince the doctor, and he saved my life.”²⁵⁴

Some alleged victims who were treated in a public hospital indicated they did not manage to get records because medical staff had asked for file numbers, which they had lost or forgotten after many years. One survey respondent explained that she *“was treated by a doctor, but not given any document and meanwhile he passed away”*.²⁵⁵

As part of the settlement, Petra and Williamson Diamonds committed to disclosing to complainants and their legal advisors all documents held in relation to their cases, including records stored at **Mwadui hospital**.²⁵⁶ They “compiled a formal procedure to address the management and access of patient’s medical records at the Mwadui Hospital, in a manner recognised by national legislation” and in conformity with requirements and processes around confidentiality and medical ethics.²⁵⁷ However, more engagement is arguably needed about this arrangement because several survey respondents were either unaware of it or hesitant to seek access to records from Mwadui hospital – a place which many still associate with trauma and pain, it being one of the venues for their abuse.

Similar challenges arise with regards to accessing **court documents**. Some respondents have managed to secure a copy of their indictment, others say they require, and have lost, case numbers to do so. Several survey respondents alleged questionable practices tending towards corruption among some civil servants, who would ask claimants for money, purportedly to increase their chances of accessing documents that have become difficult to find after so many years.

Challenges with witnesses

Aside from accessing records, respondents also mentioned important obstacles to having witnesses confirm their testimonies. Here again, there appears to be **confusion around applicable standards**. Some respondents understood, for instance, that direct family members cannot be witnesses, while others had their spouses testify. Various people worried about the admissibility of their complaint when key witnesses had died, or wondered if the IGM would consider witnesses who now lived far away. A father who filed a complaint on behalf of his son, who was killed by guards in 2015, said:

“His two friends who were with him that unfortunate day now live far away, somewhere in Simiyu region. I do not have their phone numbers, so I could not list that information in the complaint I submitted to the IGM, and I do not have the money to send for them. I have had three meetings at the IGM office already. Even if I manage to reach these friends, I am not sure whether I will still get an opportunity to present new witnesses”.²⁵⁸

254 IPIS interview with local resident, 23.5.2023.

255 IPIS interview with local resident, 27.4.2023.

256 Leigh Day, Settlement agreed with Petra Diamonds Limited following claims of serious human rights abuses, 12.5.2021.

257 Petra Diamonds, ‘Update on remedial programmes at the Williamson Mine’, 26.10.2021.

258 IPIS interview with local resident, 24.5.2023.

There is also a widespread concern about **IGM fact-finders checking claimants' testimonies** with neighbours or village leaders. Survey respondents indicated that they had not been explained this process and felt that this was being done in secret, behind their backs. They fear that these people will undermine their incident description because they may not have all facts, remember them differently, be uncomfortable to speak about them, or because they simply are not on good terms with the claimant. Similar concerns were raised over checking complaints with elected local officials, who often come from outside these communities and may not have been in office at the time that these incidents happened.

4.6. The challenge of equitability

A clear need for third party support

Many elements of the testimonies gathered by IPIS clearly highlighted a need to better inform, capacitate and support claimants. This includes enhancing their so-far limited understanding of the procedure and what is expected from them, addressing the aspects of the process generating additional anxiety by creating an intimidating and adversarial experience, removing constraints on the ability of claimants to ask questions or raise concerns, and clearing up the confusion surrounding what kind of evidence can support claims and how to collect it. Adding to these IGM design and delivery flaws is a recurring sense among survey respondents, that they lack the necessary experience and skills in public speaking to be able to adequately represent themselves. In addressing these obstacles, **legal support and representation** could make an important difference. Such support may alleviate the power imbalance that many poorly educated local residents experience in engaging with this highly resourceful mining company and the better educated and skilled IGM staff.

In its February 2023 update on the IGM, Petra stated that complainants have “access to free and independent advice from local lawyers”.²⁵⁹ The IGM complaint registration form, of which IPIS has seen a copy, equally specifies that the complainant “has

the right to have legal counsel during these stages of filing the complaint” (own translation from Swahili).²⁶⁰ However, it does not specify whether and how claimants will be supported in exercising this right. In its response letter to IPIS, Petra confirmed that “free legal representation is offered to complainants through a local NGO, Women in Law and Development Africa”, during discussions with the independent panel and in other stages of the IGM, as well as after a decision on remedy has been made.²⁶¹ Strikingly, **none of the 83 survey respondents said that they had received assistance from a lawyer or paralegal** at any stage during the complaint handling. Only at the end of the process, when claimants were informed by the independent expert panel of their decision, were they introduced to a lawyer (see section 4.8). One alleged victim of beatings by the mine's guards complained that:

“I lack explanation and information from the IGM. I do not get answers from them to help me understand whether I have appropriate and sufficient evidence for my complaint.”²⁶²

Several claimants described specific **flaws or inaccuracies in the complaint handling** where legal support would have been particularly helpful. This included instances where people noticed that the written transcript of their statements had been changed or did not match what they had conveyed orally. One respondent recounted that he was asked to sign a statement that had no resemblance whatsoever to what he had initially submitted when registering his complaint. Other contentions concerned cases of misplacement of evidence, fact-checking with the leader of a wrong village, and the mix up of phone numbers.

In most cases, respondents indicated that mistakes were corrected upon their insistence. In one instance, this reportedly even led to the whole process being restarted. However, in the absence of any third

259 Petra Diamonds, Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023, 21.2.2023.

260 Williamson Diamonds, Baraza huru la malalamiko: Fomu ya usajili wa malalamiko [Independent Grievance Mechanism: Complaint Registration Form] (on file with IPIS).

261 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

262 IPIS interview with local resident, 25.5.2023.

party support, one may wonder what happens when applicants do not have the capacity to notice and raise potential errors or oversights. As IGM staff reportedly stress the need to keep all proceedings strictly confidential, many claimants are hesitant to seek advice from peers, civil society or paralegal support organisations.

Petra appears to be aware of at least some of these challenges and wrote to IPIS that:

“the Independent Panel now has tighter oversight over the fact-finding team (as there had been a small number of instances during the pilot phase in which statements taken did not reflect the complainant’s recollection of events and one instance of evidence being presented that did not pertain to the correct complainant). Further, since the pilot, the full IGM team has completed training, delivered by an expert in business and human rights, to ensure the consistent adoption of a victim-centred and human rights-based approach is consistently adopted by all IGM personnel and a review of all of the decisions of resolved cases has been completed. Further, the IGM has begun recruiting for a senior human rights legal officer/case worker who will assist the triage and fact-finding processes.”²⁶³

These improvements are informed by interim recommendations by the IGM’s independent

monitors. Another such recommendation that is now reportedly being implemented is a peer-to-peer review mechanism within the independent expert panel as an internal challenge of decisions before they are notified to complainants.²⁶⁴

Undermining trust

Unfortunately, such **mistakes breed mistrust**.

Respondents raised suspicions of purposeful attempts to tamper with evidence in order to weaken their cases. A number of claimants even had the feeling that some of the IGM staff were seeking bribes to advance their chance of compensation by answering requests for information or advice with *‘Nisadie bro’*. This is Swahili for ‘help me brother’ and is commonly used as phrase to get some cash in return for a favour. More generally, the absence of legal support fuels doubt about the independence of the IGM. It contributes to a feeling of locals being on their own in an unequal fight for justice. Various respondents referred to the IGM as a process that belonged to or was owned by the mine.

In addition to stronger legal support, another proposal formulated during stakeholder interviews was to assign a role for designated community representatives in the IGM’s design, for instance in an observer capacity. The IGM’s first independent monitor report also highlights relations with communities and their leaders as a priority area of concern. It stresses the need to address feelings of community leaders feeling excluded, and communities’ unmet expectations, perceived or real misinformation and uncertainties. **It recommends more strategic and continuous community engagement**, the appointment of a dedicated IGM community liaison officer, and regular feedback sessions with the surrounding villages development committee.²⁶⁵

4.7. Additional barriers for women

It is well-known and documented that women not only experience different and disproportionate harms as a result of business activities, but also that they are often subject to additional barriers in accessing remedy for such harms.²⁶⁶ These barriers stem from a combination

263 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

264 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 14.

265 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), pp. 8, 14 and 16.

266 See for instance: Danish Institute for Human Rights, *Women in Business and Human Rights: A mapping of topics for state attention in United Nations Guiding Principles on Business and Human Rights implementation processes* (Copenhagen, 2018).

of cultural, social, practical, financial and legal factors, such as patriarchal structures, stigmatization, household responsibilities, lower levels of literacy, gender stereotyping, discriminatory laws, and limited access to or control over financial resources, amongst many others.

In light of these challenges, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has published a dedicated guide on the Gender Dimension of the UN Guiding Principles on Business and Human Rights. This guide recommends that **all operational-level grievance mechanisms integrate a gender perspective** by, among other things, ensuring:

- the meaningful participation of potentially affected women and women's organisations in designing and administering the mechanism;
- a gender-balanced composition of complaints processing bodies; and
- context-specific assessments of discrimination, disadvantages and barriers faced by affected woman, and appropriate measures to overcome these.²⁶⁷

Targeted outreach and awareness-raising

As part of their broader SGBV initiative, Petra and Williamson Diamonds have made an **important effort** to make women more aware of their rights and encourage them to come forward with their grievances.²⁶⁸ This effort has involved community outreach and engagement on SGBV by Her Dignity and AGAPE, in which the goals and registration process of the IGM are also covered. Furthermore, several female animators, who were selected and trained as part of this project, told IPIS that they

worked on a one-to-one basis with a number of women in their village to try and empower them to register their complaints with the IGM.

Despite these efforts however, 31 out of 36 women in IPIS' survey sample still indicated that they did not or not at all understand the grievance handling process or what was expected from them (compared to 25 out of 47 men). This response highlights the importance and the **difficulties of this targeted approach to awareness-raising**.

While there are no public figures on how many women lodged a complaint through the IGM, it appears that a considerable number have come forward. Nevertheless, throughout its interviews, IPIS heard of several women who had not (yet) dared to take this step. This particularly pertained to victims of alleged sexual violence by security guards. Among the main **hesitations** cited were the risk of re-traumatisation in exchange for little certainty of obtaining any remedy, a fear of stigmatisation in their communities (for instance, by standing in line at the registration office), and the risk of generating or resurfacing tensions within their families. Many women who said that they had been subject to sexual violence told of serious repercussions in their family life as husbands, who felt ostensibly insulted or harmed in their honour, responded aggressively or left them.

These concerns raise questions about whether **more can be done to overcome such barriers** by creating a more secure and confidential environment for the lodging of sensitive complaints, combined with a more proactive approach in grievance collection. This could take the form of mobile women complaints registration officers who tour the villages in cooperation with trusted civil society actors, or a toll-free widely publicised confidential telephone line.

267 OHCHR, *Guiding Principles on Business and Human Rights* (New York/Geneva, 2011), Principle 29.

268 Petra Diamonds, *Williamson Mine: Update on IGM and Community Projects for Q2 FY 2023*, 21.2.2023.



▲ Figure 4.10: The IGM office building in Shinyanga (Photo: IPIS, May 2023)

Gender-responsiveness of the IGM process

IPIS' stakeholder interviews and structured surveys with complainants reveal that the IGM process is generally causing considerable strain for claimants who suffered traumatising abuses, especially women who survived sexual and psychological violence. Several recurring **stress factors** could be clearly identified. One is the length and unpredictability of the process, which makes victims relive painful experiences repeatedly over a protracted period. A second worry is lack of evidence. Most women who have been sexually assaulted on the Williamson concession have kept this quiet in order to avoid backlash in their marriages or stigmatization in their communities. Few went to a hospital for care or reported the abuse to authorities.

As such, women surveyed by IPIS who had filed a claim based on sexual violence were concerned about their ability to prove what had happened to them or that they did not consent to it (see for instance Box 6). They feared that they would be met with disbelief and scepticism, which is a common response in their communities. This fear is amplified by the seemingly adversarial nature of the process. The prospect of being questioned on these very sensitive and upsetting issues by IGM staff, or worse, by fact-checkers asking around in their communities about their testimonies,

is particularly anxiety provoking. Women who submitted complaints of sexual violence wondered how the IGM would ensure confidentiality and protect them against retaliation from perpetrators.

Specific measures should ensure that the design and process of the IGM is gender-responsive and sensitive to concerns of victims of sexual violence. Training on key human rights principles (such as the principle of 'do no harm') and gender issues in both lodging complaints and grievance handling are arguably crucial prerequisites for all those collecting and dealing with complaints. Petra informed IPIS that two of the four members of the independent panel are women, and that those taking part in the community awareness-raising program have specific SGBV expertise.²⁶⁹ The IGM's independent monitors report that IGM staff received "high level, but not specialised trainings on awareness around sexual and gender-based violence, vulnerability issues and identifying vulnerable complainants".²⁷⁰ They observed that not all gender-sensitive grievances, such as sexual or rape allegations, are handled by female IGM team members.²⁷¹ The monitors recommend that the roster of specialist service providers be made routinely available to assist with taking witness statements.

269 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

270 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 13.

271 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 13.

Box 6 – The case of Rose²⁷²

In 2014, Rose went to visit her younger sister's child in the Mwadui hospital. She says that as her niece's condition was rapidly worsening, she stayed longer to help her sister and did not realize she had exceeded the hospital's visiting hours. It was already dark when she left and to get home quickly, she decided not to take the main road through the Mwadui gate but to take a short cut on her bicycle towards her village Ikonongo.

Rose states that on her way out of the mine she was stopped by three private guards who intimidatingly asked her why she was using illegal roads. She says she explained the situation and apologized. There was some discussion among the guards and then, she says, one of them took her bike and left, whilst another went back to Mwadui. Rose says she was left alone with the third guard who then told her that he would let her go home safely if she had sex with him. She begged him to leave her alone, and let her go back home to her baby, who she was still breastfeeding. Rose says that the guard did not listen and grabbed her. She says that as she resisted, he started beating her and that after she fell down, he violently raped her.

Rose reports that when she opened her eyes, the guard was gone and her bike was back. She was in too much pain to ride it and started walking. At home, she found her children and cleaned herself up. When her husband came back later, she just told him that she was home late because the condition of her niece was so bad. Early the next morning she went to her parents and told them about what had happened because she could not find peace in her mind. She explained that she did not tell her husband because she was afraid that he would blame and violate her. Her father promised that he would talk to her husband about it before he heard it from anyone else in the village who might have seen her come home in pain. She did not go to see a doctor but took pain killers to get her through the days after the abuse.

That morning, they got the news that her niece had passed away. Her father waited until after the funeral to tell her husband. As Rose expected, he took the news badly. She says he blamed her for provoking the rape and beat her up. After three days of ignoring her, he went away and left Rose with their five children.

Things only got worse for Rose after this. She felt stigmatised in her village and suffered from hypertension and depression. Her family kept supporting her and with the help of time and counselling she was getting better. By 2021 she had her life more or less back in order. In 2022, however, her husband, who was in financial trouble, came back and chased her and her children from what he considered to be his house. She had to leave to Maganzo where she is now renting a house for her household of six.

²⁷² The name of the person has been changed to maintain confidentiality.

In 2021, Rose heard about the Williamson grievance mechanism and went to the mine's community relations office to lodge her complaint. She was told that they were not taking any complaints at that moment, but that she could leave her phone number and they would call her when they opened registration. Rose did not receive any such phone call, but heard from other villagers in June 2022 that the office was taking complaints. She went there soon after and managed to register her grievance. She was, however, not able to list any witnesses as not only had she been alone when the abuse happened, those who had been with her in the aftermath could no longer testify. Her father had passed away since then, her mother was suffering from a mental illness and had become deaf, and her younger sister now lives over 500km away in Katavi region.

In February 2023, she was called for a first interview at the IGM office. In April 2023 she got a second call from the IGM to tell her that they had been trying to call her several times. Her phone had been damaged so she had not been reachable. They instructed her to come to the IGM office at her own expense as their vehicle had already passed several times by her village when she had been unreachable. The IGM officer added on the phone that she should bring her witnesses. As she explained her challenges, the officer told her that it was also fine for her to come on her own. After that second interview she was told to wait for a phone call. She says she is still waiting to date.

4.8. The challenge of providing effective remediation

The end goal of the IGM should be to effectively remediate human rights abuse. Key to this is ensuring that remediation is adequate, appropriate, proportionate and responsive to the diverse experiences and expectations of those seeking remedy.²⁷³

More delays

Like the processing of registrations, grievance handling too appears to have been subject to considerable delays. On the complaint registration form it is stated that the **IGM aims to resolve complaints “within 60 days** from the date of

receiving them. If delays occur such that the complaint cannot be resolved within 60 days, the complainant will be notified of the delay and the progress of their complaint” (own translation from Swahili).²⁷⁴ Petra confirmed to IPIS that the grievance officer would contact the complainant if there was a delay beyond “60 days of beginning the process”, to clarify the delay and provide an update.²⁷⁵

Some survey respondents said that four months had already passed since their first interview, and up to a year and a half since submitting their complaint, without any justification or explanation from the IGM for the delay. Once more, this is **feeding sentiments of unpredictability and unreliability**. One complainant alleging serious abuses by Zenith guards said:

273 UN Working Group on Business and Human Rights, A/72/162: Report on access to effective remedy for business-related human rights abuses (2017), p. 8.

274 Williamson Diamonds, Baraza huru la malalamiko: Fomu ya usajili wa malalamiko [Independent Grievance Mechanism: Complaint Registration Form] (on file with IPIS).

275 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

“I had my first interview at the IGM office mid-January [2023]. My main witness was called in for a testimony in April. In May, I managed to get my medical file number at the Mwadui hospital where I managed to register in January 2022 for weekly physiotherapy supported by the mine and which I received between August and December 2022. Over 80 days have passed since my first appointment. I am still waiting for a phone call from the mine to hear whether they will accept my case for remediation. I put a lot of hope in this process, but it is not very transparent. I start doubting whether they still want to compensate me”,²⁷⁶

According to the independent monitors a lot of the delays were due to a measure to review all decisions by the panel in the pilot phase. They believe complainants can from now on expect more timely outcomes, also because of the introduction of a new and more speedy case management system.²⁷⁷

Some insight into the IGM's decision-making procedure

Although Petra thus appears to have decided not to communicate publicly on the IGM's procedure, IPIS managed to gather some pieces of the puzzle as to **how the IGM decides on remediation**. Firstly, the complaint registration form notes that the “Independent Panel of Experts will close complaints that do not fit within its criteria and send them to the Mwadui Mine or another external entity that can hear them” (own translation from Swahili).²⁷⁸ There is

no publicly available information on the criteria that the IGM applies in determining whether complaints reach the evidentiary threshold and what remedies will be provided. In its response letter to IPIS, Petra specifies that these “are informed by Tanzanian law” and “take into account specific circumstances around the mine”.²⁷⁹ The specific remedy awarded for any particular complaint is moreover said to be informed by local custom and will be a product of dialogue between the complainant and the independent panel. “If agreement cannot be reached on an appropriate remedy, the complainant is free to withdraw their complaint and seek remedy through other channels”.²⁸⁰

The Decision Form of the Independent Panel of Experts that is handed to claimants at the end of the process, and of which IPIS managed to obtain a copy, gives another glimpse into aspects of the procedure and criteria applied. It states that the member of the fact-finding team, having assessed a complaint, submits a report to the complaints officer. The latter, in turn, notifies the independent expert panel that the complaint is ready for consideration and determination. A member of that panel then conducts a preliminary review of the complaint file to ensure that it is complete and has sufficient information to make a decision. If incomplete, the panel member will sort out outstanding issues with the assistance of the complaints officer, or by seeking additional information from the fact-finding team. If there is still not enough information, the panel member can either (1) return the complaint to the fact-finding team with guidance on how to resolve this; or (2) arrange to speak with the complainant, Williamson Diamonds or any witnesses.

Once the panel member is satisfied that there is sufficient information to make a decision on the complaint, they will **assess whether the requisite standard of proof has been met** with reference to the standard required in civil cases and by the Tanzanian Commission for Human Rights and Good Governance (CHRAGG): “To meet the standard of evidence, the member of the Independent Expert Panel needs to be satisfied that, based, on the available evidence,

276 IPIS, interview with local resident, 23.5.2023.

277 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 12.

278 Williamson Diamonds, *Baraza huru la malalamiko: Fomu ya usajili wa malalamiko [Independent Grievance Mechanism: Complaint Registration Form]* (on file with IPIS).

279 Petra Diamonds, Response letter to IPIS dated 24.8.2023.

280 Ibid.

the event was *more likely than not* to have occurred” (emphasis added, own translation from Swahili).²⁸¹

According to the IGM decision form, the assessment of the evidentiary standard should also take into account: (1) the natural probability of the alleged facts occurring, (2) any documents or records from the time of the alleged incident, (3) any circumstantial evidence that tends to support one account over another, and (4) the general opinion of the motivations of the parties. The panel can either decide that the evidence level is met, not met, or that whilst it is not met, the complainant should be given access to a ‘support service’ defined by the panel. Where a panel member decides that the incident was more likely to have taken place than not, he/she “will enter into negotiations with the Complainant with the intention of reaching an agreement regarding the sum that the Complaint will receive [...] The Complainant will have a legal assistant and/or trusted person throughout the mediation process” (own translation from Swahili).²⁸²

IGM pilot remediation outcomes

The first **independent monitor report** on the IGM evaluates the pilot phase which started in November 2022 and ran until the end of May 2023. In this period, the IGM started attending 356 grievances, of which, by June 2023, 39 were considered out of scope, 3 were still in the fact-finding phase, 261 were pending before the independent expert panel, 29 were closed, 2 were referred to third parties, 13 needed additional evidence, 8 were decided, and 1 had met the remedy threshold.²⁸³

In mid-September 2023, **IPIS checked-in with 12 applicants** to get a preliminary insight into the claimants’ perspectives on the outcome of the pilot. Applicants that had received recent updates from the IGM were prioritised. More monitoring would be required for an in-depth evaluation of this key phase of the process. Of the 12 applicants, five had been informed of a decision by the panel to compensate their harms, four were considered inadmissible for

compensation and three were still awaiting a decision. Of those that had received a positive decision, three indicated that they would receive TZS 5 million (c.€1,875), one TZS 4 million (c.€1,500) and another TZS 20 million (c.€7,500). Although the pilot reportedly closed in June 2023, these decisions were only received in late August or September. No successful claimant had yet received their compensation award money. They were told this would be paid within 30 days following the panel’s decision.

Various reasons were given why claims were considered **inadmissible for compensation** by the panel. A fifty-year old man, who still suffers from a leg injury after allegedly being severely beaten by guards in 2007, was told his incident fell outside the IGM’s timeframes. He did not, however, understand why they had given him false hope by putting him through the lengthy process: “*They knew all along that the abuse happened in 2007, but still called me for four meetings and asked me to bring witnesses, to show evidence*”.²⁸⁴ A woman in her thirties, who alleges that she was seriously aggressed by guards in 2015, says that she was told that the hospital documents confirm her injuries but not that they were inflicted by guards. Her sub-village leader would also reportedly not confirm the incident, though she claims he was not yet in office in 2015 and was living in Dar es Salaam in that period. Another person told IPIS that he thinks his case was considered inadmissible because he could not remember the day and month of the abuse he had suffered in 2012. A fourth person alleges that he was presented different facts than what he had reported when he registered his complaint: “*I had reported that in 2015 guards hit me on the head with the back of their gun, and with batons on various parts of my body. But according to the statement they read to me, I would have claimed to have three bullets in my head. Of course the fact-finders did not find the relevant evidence!*”²⁸⁵

Recurring concerns expressed by claimants

Notably, all 12 respondents **perceived the process to be one-way**, with hardly any room for discussion.

281 Williamson Diamonds, *Baraza Huru la Malalamiko, Fomu ya Maamuzi ya Jopo Huru la Wataalamu [Independent Grievance Mechanism, Decision form of the Independent Expert Panel]* (document on file with IPIS).

282 Ibid.

283 Independent Grievance Mechanism Williamson Diamond Mine, *1st Independent Monitor Report: Public Report* (August 2023), p. i. In the absence of more information on procedures, the difference between grievances being closed, decided or having met the remedy threshold is not entirely clear.

284 IPIS, interview with local resident, 18.9.2023.

285 IPIS, interview with local resident, 18.9.2023.

Those who were awarded compensation, claim that they were simply informed of the amount without any form of dialogue and asked to either sign the agreement or start an appeals process. None of the claimants who were informed of a decision to compensate them found the award amounts satisfactory: *“I lost my main source of income as I have not been able to do any heavy labour since the abuse in 2019. I invested a lot of time and energy in this process, but what I’m getting doesn’t even cover what I already spent on medical help, let alone using this to remove the bullet that is still in my leg”*, said one claimant.²⁸⁶ Although none of the five are satisfied, only one decided to appeal. One of the others said: *“I accepted, but only reluctantly. I don’t think it’s worth appealing. This process is so lengthy and tiresome and, in the end, the same panel will still be in charge. Only if I could get legal help, would my chances perhaps be any better.”*²⁸⁷

A lawyer for claimants was reportedly present when they were called in to hear the panel’s decision. However, all respondents confirmed that this was the first time that they had met this person: *“Before they read their decision, the panel informed me that there was one lawyer for the mine and one for me. But we had never met before. He did not support me with anything. He only told me that if I want to appeal I can, but when I asked him to assist me with the appeal procedures, I got no response.”*²⁸⁸ The person whose complaint was considered as falling outside the timeframe of the IGM was told to talk to his lawyer, *“but she said she could not help me. I asked to get her phone number, but she said she could not do that.”*²⁸⁹ A claimant that wanted to appeal against his case being considered inadmissible lamented that *“the lawyer gave me his phone number, but now he never answers and sometimes he even hangs up on me”*.²⁹⁰ Another applicant is

waiting until he hears back from his lawyers to appeal because the panel told him to do this.

These 12 respondents provide only a glimpse into the pilot’s overall outcomes. However, it is striking that none of them have expressed **satisfaction with the outcome**. Unsurprisingly, those who got a negative decision are the most critical: *“The process was not fair. If it was really independent, they would have involved me in the process and given me an opportunity to ask them questions before giving their decision”*, said one dismissed claimant.²⁹¹ Another complained that *“appealing would be a waste of time as the process is so lengthy and not fair anyway. I would be losing more than there is to gain”*.²⁹² However, even those who were awarded compensation expressed discontent. A ‘successful’ claimant from Maganzo said:

“I am not satisfied with the way my complaint was handled. Firstly, because I did not feel I had any say in the process. Secondly, over a very long period of time I hardly ever got updates on the status of my complaint. And finally, when they did call me for a meeting, they never specified the purpose and gave no advance notice. So I had to rush, often from very far, without any time or information to adequately prepare”.²⁹³

286 IPIS, interview with local resident, 19.9.2023.

287 IPIS, interview with local resident, 19.9.2023.

288 IPIS, interview with local resident, 18.9.2023.

289 IPIS, interview with local resident, 18.9.2023.

290 IPIS, interview with local resident, 19.9.2023.

291 IPIS, interview with local resident, 18.9.2023.

292 IPIS, interview with local resident, 19.9.2023.

293 IPIS, interview with local resident, 18.9.2023.

Managing expectations and impact of compensation

Given that the notion of adequate remediation will always encompass an element of subjectivity, **expectation management** regarding compensation awards is important. The independent monitors, in their first report, make a similar point. They refer to an ongoing effort of sensitising communities on the available remedies and compensation levels, in particular to distinguish with awarded payments under the Leigh Day-initiated case.²⁹⁴ Stressing that remedies should not just be imposed by the IGM, but be informed by communities' views, the monitors refer to a planned mapping of community views. Another track they are bringing forward in the report is that of collective remedy. In the independent monitors' view, this may for instance help to address grievances for which the threshold of seriousness is unlikely to be reached. The monitors stress that this should not be conflated with existing community projects, but could, with the approval of communities, offer a quantifiable and auditable increase to the resources allocated to such projects.

Whilst not specifically proposed, collective remedy could also allow to compensate **damages that are felt collectively in communities**. Many alleged victims, when first interviewed by IPIS in February 2023, described harms in terms of both personal losses to them and their families, and collective damages in the form of services they can no longer provide to their communities. They referred to collective subsistence farming, helping the sick, or traditional community safety patrols (called '*sungusungu*'). The latest updates from claimants suggest that the IGM does at present not take such damages into account.

Another pertinent aspect for consideration is **financial education and mentorship** for those receiving compensation. This was provided to victims represented by Leigh Day as part of the 2021 settlement (see section 1.4). Stakeholders involved in and benefiting from this support all stressed how this helped to ensure a sustainable use of the compensation awards.

A need for improvements

The first independent monitor report recognises that community relations remain finely balanced and that the IGM has an important role to play in how the situation will eventually materialise.²⁹⁵ The independent monitors appreciate the **exceptionally large magnitude of the task** of having to rapidly create an entirely new institution to handle a complex and new area of human rights-centred grievance resolution. This in their view led the IGM to overlook a number of substantive details initially, that are however being addressed through "extremely impressive" realignment efforts.²⁹⁶ They stress that they did not encounter any unsurmountable obstacles and believe the IGM is well under way to achieving its end goal of remediating human rights harm and building sustainable positive relations with the mine's adjacent communities.

The surveys with claimants indicate that key elements of the IGM system were absent or incomplete during the pilot phase. While it is commendable that time was taken to test the system, more preparation before the pilot could arguably have prevented negative experiences of claimants for whom the consequences are very real. The IGM indeed appears to have plunged into this huge and unprecedented challenge without sufficient preparation and now seems to be updated and fine-tuned as it goes along. In IPIS' assessment, it seems that, overall, more regular and two-way communication could solve many of the concerns, obstacles and frustrations expressed by participants in the IGM. To avoid the IGM undermining rather than promoting reconciliation and access to remedy it must ensure that genuine claims are not dismissed and that remediation is proportionate to harm. This insight into broader communities' perspectives on the IGM can hopefully help to inform further improvements to its design and implementation. The approach of independent monitors overseeing the process, and the openness to adjust the IGM process based on its recommendations, in any case indicates a commendable commitment to continuous learning.

294 Independent Grievance Mechanism Williamson Diamond Mine, 1st Independent Monitor Report: Public Report (August 2023), p. 11

295 Ibid., pp. 5-6.

296 Ibid.

Conclusions

Petra's 2021 settlement with 96 alleged victims of beatings, torture, illegal detention, indiscriminate shootings, sexual violence and killings by the mine's private security guards marked a new chapter for responsible business conduct at its Tanzanian Williamson diamond mine. To this day, Petra and Williamson Diamonds continue with their efforts to reset community relations between locals and the mine in the wake of this tragic legacy. Having analysed what went wrong in the decade preceding this settlement and what is being done to overcome the consequent legacy of human rights abuse, this study offers insight into the remedial initiatives that have since been launched by Petra and Williamson Diamonds.

IPIS' assessment of whether these remedial efforts have what it takes to respond to the specific context and needs of local residents, to restore trust and to build long-lasting positive relations between the mine and its neighbouring communities, highlight six overarching conclusions. These conclusions form the building blocks to answering our initial research questions (see introduction) and informing our subsequent recommendations (see recommendations). They are as follows:

1. Important steps have been taken to restore and rebuild community relations

Since 2021, Petra has adopted or revised several **procedures to better align its operations with best practice standards for responsible business conduct** – not least concerning human rights and grievance handling. Embedding these principles at all operational levels of both Petra as a company and Williamson mine as its subsidiary is an important institutional step in making a break with the shortcomings of the past and anchoring present-day efforts to turn the page on malpractice. Noticeable improvements in the occurrence of violence against intruders onto the Williamson concession (see conclusion 2) and the existence of a functioning grievance mechanism (see conclusion 3) have been welcomed by members of neighbouring communities.

Further promise is offered in the form of the settlement's **'restorative justice projects'**, which aim to create long-term sustainable benefits for local

residents. These projects are still in an early phase but hold considerable potential because they address actual needs in neighbouring communities in terms of everyday access to resources (firewood collection), economic opportunities (income generation through agri-business) and awareness on sexual and gender-based violence. These efforts do not go unnoticed and have led to a gradual improvement of community perceptions of the Williamson mine. These positive gains however remain – at least at present – fragile as historical wounds run deep and will take time to heal.

2. Improvements to prevent human rights abuse are notable, but certain harms are still being reported

Experiences of violence and harm attributed to the Williamson mine by local communities have noticeably declined. The **demarcation** of the Williamson concession is an important first step in preventing potentially conflictual situations caused by intrusion. The replacement of Zenith Security with GardaWorld as the mine's **private security contractor** has also been crucial to defusing tensions. GardaWorld guards are generally considered more professional and law-abiding, and the end of indiscriminate harassment since their arrival has come as a relief to community members. However, the continued existence of key risk factors for the creation of tensions means that not all violence or harm has ended.

Firstly, widespread **intrusion** onto the Williamson concession by artisanal miners and herdsmen continues to present an ongoing risk. Addressing intrusion in a manner that respects human rights and community concerns will be key to decreasing this practice in the long term. At present, reports of violent encounters between herdsmen or artisanal miners and the new guards remain common, including various allegations of intruders being severely beaten. Fear of prosecution continues to prevent most people from reporting such incidents to local authorities or the police.

While allegations of **shootings** at the mine – relatively common under its previous security arrangement – have become very rare, IPIS did encounter one such allegation from a young man who claims to have been shot by guards on the Williamson concession

in January 2022. This individual has visible gunshot wounds and multiple metal pellets under his skin. Notably, this individual reported his case to Williamsons' independent grievance mechanism in May 2022, but at time of writing – that is, 16 months after filing his report – claims still not to have received any response. Albeit that his case clearly requires further investigation on the facts, the apparent failure of Williamson's grievance mechanism to trigger prompt follow-up on such a serious allegation of ongoing abuse raises major concerns about the mine's human rights risk and impact identification systems, and thus the adequacy and efficacy of its human rights due diligence process.

A second flashpoint for tensions is **the impact of incidents or accidents** caused by Williamsons' mining operations, as illustrated by the November 2022 failure of the mine's tailings storage facility. This **tailings dam failure** and the ensuing mud flow caused considerable damage and loss to villages north-east of the mine concession area. Many locals lost their homes, farms or land as a result of the devastation, and many more struggled to meet their basic needs due to severely reduced water access and impacts on their livelihoods. These harms, combined with uncertainty and confusion over how such impacts were going to be remediated, have reawakened feelings of mistrust towards the mine. Moreover, experts suggest that the tailings dam failure, and its impacts on neighbouring communities, could have been prevented had best practice tailings management standards had been implemented at the Williamson mine. If responsible business conduct is a core ambition for Petra and Williamson Diamonds, better alignment with the highest standards of tailings management and human rights and environmental due diligence is essential. After all, preventing harm is the best means of building trust and constructive community relations.

3. Despite a solid foundation for grievance handling, equitable access to fair redress remains tenuous in practice

Grievance handling at the Williamson mine is currently available under not one but two grievance mechanisms: a community grievance mechanism (CGM) for daily operational issues and

an independent grievance mechanism (IGM) for complaints of human rights abuse linked to the mine's security arrangement. Temporary mechanisms to deal with grievances linked to specific events (such as the November 2022 tailings dam breach), also appear to offer additional options. While community awareness of the CGM and the temporary 'tailings breach' grievance mechanism generally seems low, many local people are aware of the existence of the IGM. By November 2022, 5,575 people had lodged complaints with the IGM – a testament to both the mine's awareness raising efforts around this mechanism and the magnitude of the legacy of human rights abuse at the mine.

With little publicly available written material on the functioning and **design of the IGM**, third-party observers like IPIS are left to piece together its set-up and procedures using the little information available to them. IPIS' own research indicates that the IGM's design has generally sought to take into account the **criteria for operational-level grievance mechanisms** issued by the UN Guiding Principles on Business and Human Rights. Much effort was made to ensure that the IGM functions and is seen to be functioning independently of the mine. However, when it comes to **IGM implementation**, IPIS' research into its pilot phase (November 2022 – June 2023) shows considerable need for improvement. Such improvement is essential to ensuring that the mechanism can actually deliver on its promise of equitable access to fair redress in line with the effectiveness criteria of the UN Guiding Principles.

Four key areas for improvement are noted:

1. **Predictability:** The predictability of the IGM's procedures, timeframes and likely outcomes is currently low. This is due the **lack of any publicly available documentation**, as well as a substandard awareness of the design and functioning of the IGM on the part of claimants. There appears to be a notable lack of clarity around what is expected of claimants at different stages of the process, what evidence will be required and deemed sufficient, and how to obtain this evidence. Uncertainty about the evidentiary standards to be met is particularly stressful for claimants as many never reported

their cases or sought medical help at the time of their assault due to fear of prosecution or stigma. Moreover, respondents reported being called to the IGM office without any advance notice or guidance on how to adequately prepare themselves to present their case.

2. **Transparency:** Confusion and anxiety are created by the IGM's limited procedural transparency. These feelings are further compounded by a **lack of timely and adequate communication with claimants**. Since registering, many people have heard nothing more about their complaint for what, at time of writing, can be up to two years. Similarly, claimants were not made aware that the sudden progression of some cases in November 2022 represented merely the launch of a limited pilot phase for the IGM. Overall, deadlines set by the IGM for its own working processes are reportedly overwhelmingly missed, and claimants state that, contrary to what was assured, they are given no updates on or justifications for such delays.
3. **Equitable access to remedy:** Equitable access to remedy under the IGM is threatened by insufficient **dedicated support for claimants**. Petra has repeatedly stressed that all claimants have the right to free legal representation and assistance. However, no claimants surveyed by IPIS had reportedly received any such support throughout the handling of their complaint. It seems that in the pilot phase, only those called to appear before the independent expert panel to receive their decision were introduced to a support lawyer. However, these introductions took place during the course of those proceedings, with no prior introduction or opportunity to meet, and none of the claimants reported receiving any specific support in advancing their case.
4. **Meaningful engagement and dialogue with claimants:** Despite some effort to include engagement and dialogue with claimants within the IGM's design and roll out, this effort does not sufficiently result in the IGM taking into account **key claimant needs and concerns**. Claimants surveyed by IPIS expressed concerns about the extent to which consideration was given by the mechanism to their reality and experiences. This is particularly so for survivors of sexual violence, who reported fears of re-traumatisation, stigmatisation and lack of evidence, as well as marginalised groups like artisanal and small-scale miners. Overall, the latter remain insufficiently reached by the IGM's

engagement efforts, despite representing a sizable potential victim group. Most worryingly, none of the claimants in this study felt truly heard by the IGM, nor experienced the process as one based on engagement and dialogue. On the contrary, they reported experiencing the process so far as adversarial and one-sided, with little opportunity for them to raise questions, contribute to solutions or obtain satisfactory outcomes.

Overall, the IGM appears to have plunged into the pilot phase of this huge headfirst with several key elements to be patched up and fine-tuned along the way. There is a clear need and opportunity to include insights from communities' experiences to further improve the IGM's design and implementation to ensure conformity with the principles that guided its conception. An openness to making adjustments on the basis of recommendations by the independent monitors overseeing the IGM process is a core element of the mechanism's design. If put into practice, this **commitment to continuous learning** will prove to be an important tool in achieving the IGM's objective: ensuring access to fair remedy for and reconciliation with adjacent communities.

4. Appropriate structures to meaningfully engage with communities to overcome previous shortcomings and restore trust remain wanting

Our analysis reveals that a key reason that it took Petra so long to investigate serious allegations of human rights abuse before 2021 was **an absence of any appropriate structures to engage with, consult or listen to adjacent communities**. This absence has created **two parallel worlds**: one where intrusion is seen as a legitimate livelihood strategy that compensates for the nuisances, broken promises, lack of benefits, and unrecognised claims to land and resources brought about by industrial exploitation; another where intruders were seen as criminals to crack down on with a heavy hand. The gulf of disparity between these two worlds has shredded the relationship between the mine and its adjacent communities.

Since the 2021 settlement new engagement strategies have been set up. However, IPIS' analysis suggests that despite these, Petra, Williamson Diamonds and the IGM remain **insufficiently in touch with local residents**, and thus unable to fully understand their realities, concerns and needs. Current engagement practises do not seem to guarantee that all affected groups are effectively reached, nor that they are

informed, let alone meaningfully consulted, about matters concerning them in an adequate or timely manner. Illustrations of this can be found in grievance handling after the November 2022 tailings dam breach, in the implementation of the IGM pilot (see also conclusion 3), and in a lack of appropriate strategies to include often-marginalised groups, like artisanal and small-scale miners, in conversations about prevention, mitigation, remediation or restoration. Ineffective community engagement not only leads to processes and solutions that fail to match local realities and needs, but also leads to confusion, frustration, mistrust, and the continuation of dissonance between expectations, experiences, priorities and concerns between the mine and its adjacent communities.

5. There is a stark difference between what company policies promise on paper and how this is experienced by communities

As is often the case, company policies that seem promising on paper do not necessarily deliver in practice, not least from the point of view of affected communities. Serious human rights abuses were reported at the Williamson operation without any follow-up for over a decade. This serious lapse in corporate governance occurred not in some obscure mining operation, but at a mine that was throughout majority-owned by a respected global diamond miner reputed for its seemingly exemplary Environmental, Social, and Governance (ESG) standing. This glaring incongruence between paper and practice raises serious questions about the adequacy and relevance of both company-level and industry-led initiatives on responsible business conduct, in particular their sensitivity to on-the-ground realities.

Petra's efforts to revise its policies on human rights, grievance handling and tailings management (amongst other measures) since 2021, whilst late, are certainly most commendable. The company has implemented several good practices since then, which have made a positive difference to the experiences of neighbouring communities (see conclusion 1). However, this research has helped to highlight the ongoing **perspectives and lived experiences of the mine's stakeholder communities** and how these often differ from the realities perceived by other

stakeholders. As both the UN Guiding Principles on Business and Human Rights and the OECD's due diligence guidance on Responsible Business Conduct make clear, truly delivering ESG performance in a way that is tangibly experienced as responsible business by affected locals, requires the integration of meaningful community engagement (see also conclusion 4) throughout all stages of due diligence, including risk and impact identification, mitigation and monitoring.

6. Fragile trust risks undermining long-lasting positive community relations

The last years have seen Petra take important steps to restore trust and rebuild positive community relations around the Williamson mine. Nevertheless, the community testimonies and perspectives gathered during this study clearly indicate how fragile and precarious these positive developments are. It cannot be overstated how deep the wounds of the past remain, nor how much trauma is still being carried by the mine's surrounding communities. Despite the positive changes of the last years, feelings of mistrust, unreliability, frustration and resentment are readily reignited, not least when new adversities strike (e.g., November 2022 tailings dam breach), when much-awaited remediation doesn't seem to deliver (e.g., IGM pilot) or when highly anticipated community projects seem stuck in feasibility tests (e.g., restorative justice project for the artisanal and small-scale mining sector). This fragility of trust holds particularly true for the artisanal mining community, in relation to whom expectation management is essential in preventing the resurgence of existing sentiments of broken promises.

Against the backdrop of a legacy of harm, the criminalisation of victims, the impunity of perpetrators, and the intimidation of critical voices in the local political context, securing trust and rebuilding long-lasting positive community relations is no small feat. Petra and Williamson Diamonds are clearly attempting to rise to this challenge. Their ability to adapt and sustain these efforts will be crucial to ensuring that potential abuses do not once again linger under the radar to escalate, and to ensuring that Petra lives up to its claims of responsible business practice and ethically mined diamonds.

Recommendations

Following on from the findings of this research, IPIS is able to suggest a number of specific recommendations. Whilst primarily of relevance to Petra and Williamson Diamonds, these recommendations also include important considerations for other key stakeholders, like Synergy, IGM staff and independent monitors, Leigh Day, PwC, and local and national Tanzanian authorities.

Moreover, having expressly sought to draw lessons from this case study that are capable of broader application to similar such situations elsewhere in the mining sector, several of these recommendations are also relevant to other mining sector operators.

To prevent and minimise harm

1. Further improve the **demarcation of the Williamson concession and awareness-raising** on this issue, as the current arrangement with painted rocks intermittently placed along the concession perimeter continues to allow for confusion on the matter.
2. Ensure that all staff, as well as third-party security contractors and officers of the Tanzanian police involved in security operations at the Williamson mine, are regularly trained on and respect the **Voluntary Principles on Security and Human Rights**, and refrain from using any violence other than in legitimate self-defence.
3. Publicly and comprehensively **report all incidents related to intrusion**, with detailed information on injuries, deaths, detentions and use of violence, to facilitate external monitoring and oversight.
4. Publicly report on efforts made to implement Petra's **Respecting Human Rights Defenders Procedure**, in particular concerning efforts to avoid that victims are criminalised and critical voices silenced in the local and wider political context.
5. Ensure adequate and transparent **monitoring of the (interim) tailings storage facility** at the Williamson mine to ensure that it is – and remains – in conformity with requirements for conservative, safe tailings storage.

6. Adhere to **international best practice standards on tailings management** and prioritise the implementation of, at minimum, the Global Industry Standard on Tailings Management to maximally prevent, mitigate and monitor actual or potential harm to people and the environment as a result of operations at the Williamson mine.
7. Ensure adherence to **human rights due diligence standards**, as set out by the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and the UN Guiding Principles on Business and Human Rights, to maximally prevent, mitigate and account for any adverse impacts on people and the environment as a result of operations at the Williamson mine.
8. The Government of Tanzania and its relevant institutions should create **an ambitious regulatory environment for responsible business conduct** and increase its capacity to monitor and enforce regulations and requirements.

To ensure equitable access to fair redress

1. Make the **manuals, design and procedures of all grievance mechanisms** put in place at the Williamson mine **publicly available**, and ensure on-going, hands-on and needs-specific awareness-raising for adjacent communities.
2. Ensure that **grievance processes are transparent and predictable** by offering timely and regular information to complainants on the different steps of the procedure, the timeline and status of the handling of their complaint, as well as the overall progress of implementing the grievance mechanism.
3. Ensure that all that grievance handling is not approached as a one-way process of imposition but rather as a process of **engagement and dialogue with complainants** by engaging and involving them at all stages of the process, including on decisions about admissibility and compensation, and by putting an end to any use of adversarial or intimidating language, tone or action by those handling grievances.

4. Ensure that all grievance mechanisms are based on **continuous learning**, not only by including independent monitoring and lesson learning into their design, but also by ensuring (a) adequate collection and processing of feedback by complainants, (b) transparent reporting on progress and evaluation, and (c) duly considering feedback from third-party scrutiny and assessments.
5. Ensure equitable access to remedy through the IGM by making sure that all complainants can readily access **free and independent legal support** throughout the entire complaint handling process (and not only when informed of their final decision), as originally committed to by Petra.
6. Ensure that the **IGM is responsive to claimants' gender and vulnerability** by guaranteeing: (a) the availability of dedicated experts among IGM staff, (b) specialised and ongoing training for all personnel, (c) the integration of psycho-social and medical support throughout the process, (d) the availability of such support for vulnerable complainants to prepare for and process the reliving of traumatic experiences, and (e) a secure and anonymised channel for complainants to flag concerns or report improper behaviour by IGM staff.
7. Ensure that redress is **responsive to the diverse experiences and expectations** of those seeking remedy, by sufficiently considering the day-to-day realities of affected people and the diversity of their needs, over the short and long term.
8. Ensure that **all losses and harms of the November 2022 tailings dam breach are compensated** for by taking into account a fuller range of loss of livelihoods, including losses by groups and individuals engaged in informal activities, like artisanal and small-scale mining.
9. Ensure that **land affected by the November 2022 tailings dam breach that lies outside the mine concession is optimally restored** so that it can once again be used for agricultural and all other purposes, as desired, by its occupants.

To manage fragile trust and build long-lasting positive community relations

1. Ensure that **meaningful community engagement** is not a stand-alone activity, but is placed at the heart of all company efforts and activities. This requires both dedicated formal structures and frequent opportunities for informal engagement by encouraging company staff to leave their compounds and interact with adjacent communities in their local context.
2. Ensure that community engagement is not a one-sided nor exclusive process, but is based on **inclusive dialogue and effective consultation** of all groups about matters that concern them. This requires a good understanding of communities' vulnerabilities, needs and diversity to avoid leaving behind more marginalised or less vocal groups or to over-rely on selected actors to liaise with or speak on behalf of communities.
3. Ensure that **livestock entering the unfenced concession is safely returned to its owner** without the imposition of excessive fines for such return, as part of a wider effort to ensure that the mine's primary objective is to avoid complicating people's livelihoods more than absolutely necessary.
4. Make available additional funds to avoid the withdrawal of the **announced project for artisanal and small-scale mining** and to support its pilot. Artisanal and small-scale mining is an essential livelihood for many local residents who have experienced too many such initiatives being withdrawn time and again. Repetition of such withdrawal significantly risks stoking sentiments of abandonment and mistrust.
5. Ensure that any **settlement sum** reached reflects a real-world costing of the remedial initiatives they are intended to fund. Where such sum falls short, allow for an opportunity to provide for additional funding to avoid hardwiring inadequate compensation into a scheme, investing in solutions with only temporary impacts, or withdrawing announced projects because costs turn out to be higher than initially foreseen.

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