

act:onaid

RESIST, ENGAGE, CHANGE

Rural communities in Zambia stand up against mining companies that grabbed and polluted their land.

SEPTEMBER 2020

5 YEARS

ActionAid's Fair, Green and Global programme: highlights and lessons learned from 8 countries

'WHY CORPORATE ACCOUNTABILITY MATTERS FOR HUMAN RIGHTS AND WOMEN'S LIVES EVERYWHERE'

Bangladesh • Cambodia • Kenya • Mozambique • Netherlands • Uganda • **Zambia** • Zimbabwe



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MAGAZINE

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INTRODUCTION

In the last decade there has been increased attention for the adverse impact of global trade and corporate conduct on the full realisation of human rights, gender equality and the Sustainable Development Goals.

For many people around the world, global trade and the influx of foreign interest and investment in their countries has meant displacement from their lands, pollution of water and air and human rights abuses. The imbalance of power between communities living in poverty and the multinational corporations taking their land and polluting their water is often stark. Governments oftentimes stand powerless against the might and riches of these corporations. A lack of international legislation to regulate increasingly complex supply chains means these human rights violations by corporations are met with absolute impunity, as they hide behind complex company structures to avoid the consequences for their actions.

The adverse economic and social consequences of the current global economic system are felt, first and foremost, by those who are most marginalised. In particular, they disproportionately affect women. When land is grabbed and families are displaced, for example to make room for a sugarcane plantation or mining activities as we will see in later chapters, it is women who bear the responsibility of sustaining their families and themselves. When tax revenue in developing countries is siphoned off by multinationals' aggressive tax planning and the lenient tax structures of tax havens, leaving less government income available for public services, it is women who take on invisible unpaid care and domestic work.

Governments around the world have made strong commitments to the 2030 Sustainable Development Goals agenda, and to upholding human rights and gender equality. International and national efforts have been made to better regulate corporate conduct and gain insights into corporates' complex and opaque value chains. These efforts have led to the unanimous adoption of standards such as the United Nation's Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, clarifying the role of governments to protect human rights and those of businesses to respect human rights.



FOR MILLIONS OF PEOPLE, HUMAN RIGHTS VIOLATIONS REMAIN EVERYDAY ISSUES THAT REQUIRE STRUCTURAL SOLUTIONS.

However, for millions of people around the world, corporate human rights violations remain tangible, everyday issues that require structural, long-term solutions. Therefore, the need of communities to be able to resist remains as urgent as ever. In order to realise the Sustainable Development Goals, a strong, international regulatory framework is needed to bridge the governance gap and grant those affected an instrument to finally hold corporations to account and demand justice from their governments.



BY STRENGTHENING COMMUNITIES' CAPACITY AND KNOWLEDGE ON THEIR SOCIO-ECONOMIC RIGHTS, THEY GAIN THE RESILIENCE TO DEMAND A BETTER PRESENT AND EVEN BETTER FUTURE.

ActionAid has seen, over the last 10 years of being part of the Fair, Green and Global Alliance, that when women and communities take matters into their own hands, they can make great gains towards improved corporate conduct and the protection of human rights. By strengthening communities' capacity and knowledge on their socio-economic rights, they gain the resilience to demand a better present and even better future. By supporting communities with obtaining the tools and backing they need to engage in lobby and advocacy strategies, affected communities can fight injustices by holding governments and corporations accountable. The support of the Dutch Ministry of Foreign Affairs to fund and partner on this essential work has been an important asset, to ActionAid and to the communities we serve.

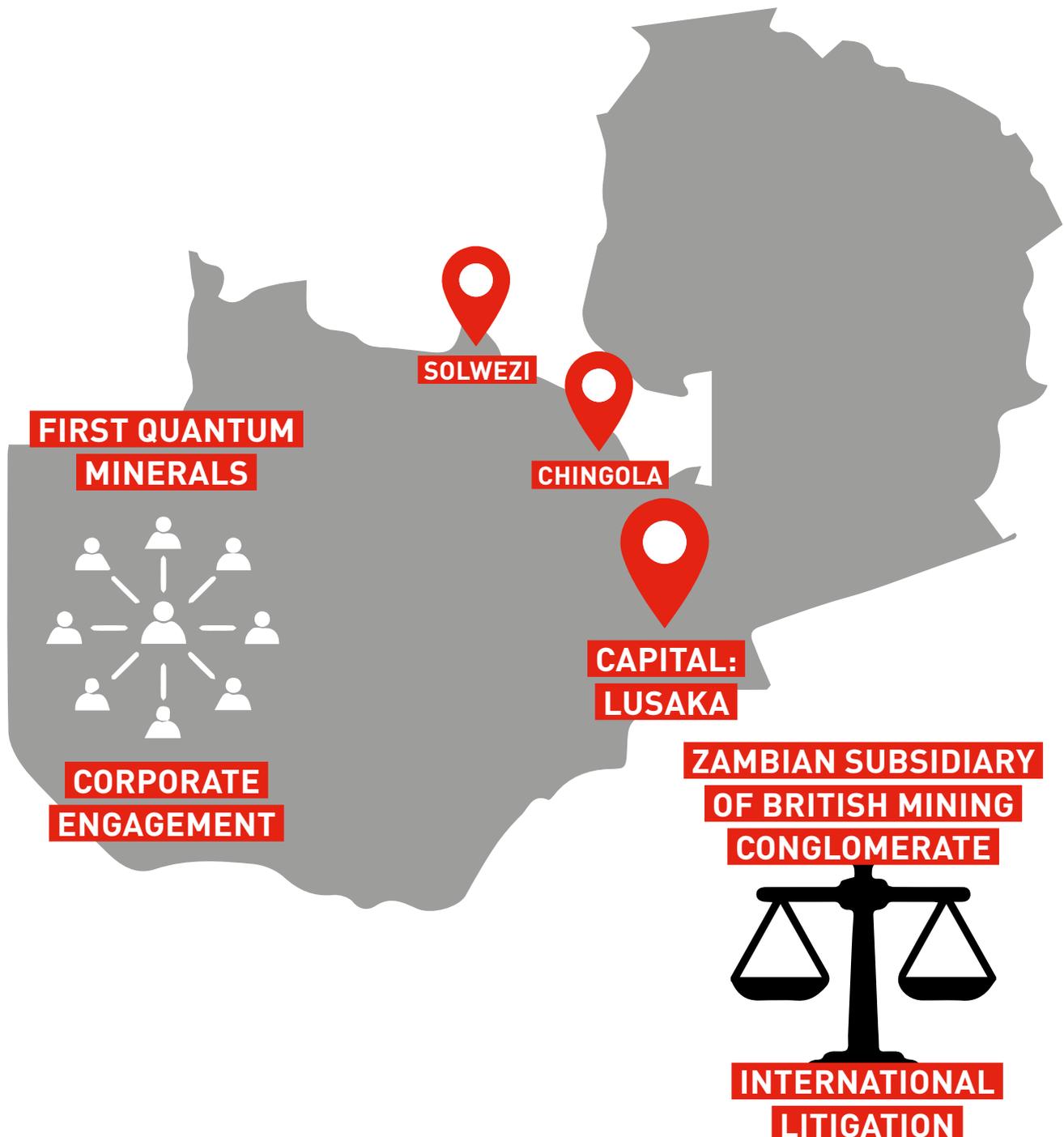
The following pages focus on Zambia, one of the eight countries in which ActionAid has implemented the Fair, Green and Global programme. The report delves into two case studies that portray the ways in which women and their communities, supported by ActionAid and its partner organisations, have addressed corporate human rights violations.

BOX 1: THE FAIR, GREEN AND GLOBAL ALLIANCE: DIALOGUE AND DISSENT PARTNERSHIP WITH THE DUTCH MINISTRY OF FOREIGN AFFAIRS

Since 2010, ActionAid has been one of six member organisations of the Fair, Green and Global Alliance. ActionAid works together with more than 300 CSOs all over the world to build socially just, inclusive and environmentally sustainable societies. Women's rights are central to all our work. In January 2016, ActionAid began its second five-year programme under the 'Dialogue and Dissent' framework, a strategic partnership with the Dutch Ministry of Foreign Affairs. Within this framework, ActionAid and the other members have worked relentlessly to increase the voice of civil society and strengthen the resilience of communities, their organisations and movements. When addressing poverty and inequality, the Fair, Green and Global Alliance focuses on three interlinked areas of work: **1.** Improved corporate conduct **2.** Improved trade and investment and **3.** Improved tax and financial systems. Corporate accountability plays a pivotal role at the core of these three areas of work.

ZAMBIA

Zambia is endowed with a vast amount of natural resources: wildlife, arable land, forest reserves, rivers, lakes and – most importantly – minerals. Zambia is in fact the world’s second largest producer of copper and the world’s largest producer of high-grade emeralds. These resources have been a fundamental component of impressive economic growth achieved between 2004 and 2014. Yet Zambia still retains high levels of widespread poverty, especially in rural areas, meaning it has one of the world’s highest levels of inequality. In 2015, over 58% of Zambians earned less than US\$1.90 per day, the international poverty line.





ACTIONAID IN ZAMBIA HAS BEEN PLANNING WITH CIVIL SOCIETY ORGANIZATIONS AND HUMAN RIGHTS DEFENDERS FOR PUSHBACK MECHANISMS IN SITUATIONS WHERE CIVIC SPACE IS SHRINKING.

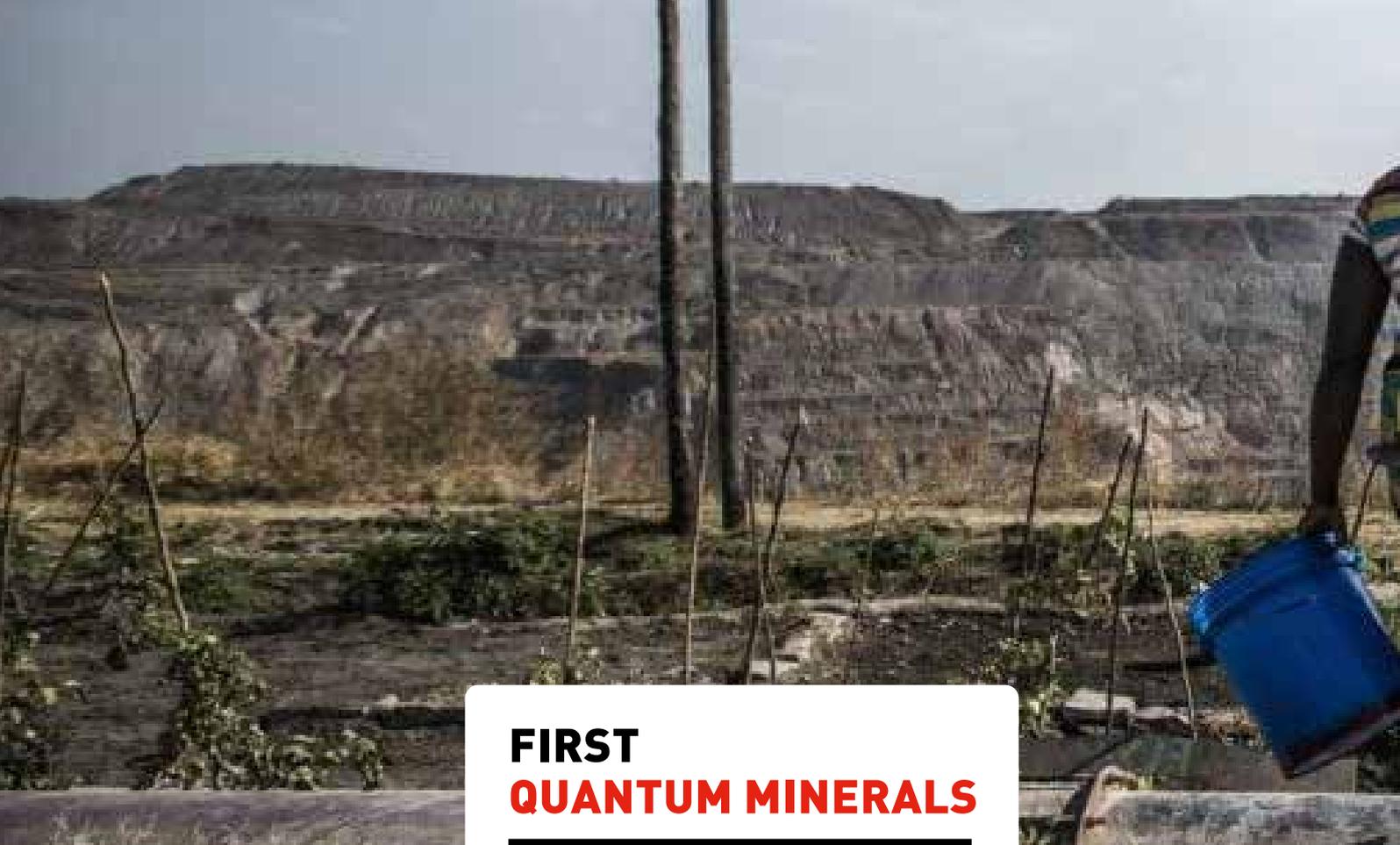
Over the years Zambia has heavily exploited mineral extraction, which the government sees as a chance for further development. Effectively, this reliance on extractives means every other economic sector remains underdeveloped.

Following the privatisation of most mines and the arrival of foreign investors, there has been a decrease in socio-economic benefits for the population. Communities have suffered devastating impacts such as forced displacements, work exploitation, loss of arable land, environmental disruptions and water contamination. Importantly, the social costs of this disruption and degradation fall heavily on women, who bear the brunt of increased care work, a result of pollution by the mining companies.

Investment in Zambia is characterised by incentives, some of which are regressive. There are also gaps in laws governing our natural resources, which has exacerbated weak governance in the extractives industry. The mining tax regime is unstable; there can be gaps in customary laws around land administration, leaving traditional leaders to make decisions that may not always be in the best interests of local people. The resettlement policy is still not well developed, meaning some local communities have suffered displacement without consent and on unfair terms and conditions due to a lack of consultations. Largely, weak enforcement of the regulations, especially the Environmental Management Act, has resulted in several violations going unpunished. Moreover, the highly centralised system of governance, together with weak enforcement of legislative provisions, has meant that communities have no access to justice mechanisms or legal support from local authorities when they challenge big corporations.

Effectively, this means that improving corporate conduct is a necessary step towards inclusive and fair development. One of ActionAid's focus areas has thus been strengthening the capacity of local communities, especially those hosting mines, to appreciate their rights and be able to challenge corporates for any abuse. We support local communities to mobilise and strengthen the capacity of human rights defenders so that they can hold duty bearers accountable, demand their rights and fight corporate abuse.

However, our work has been made more difficult over the last few years. Civil society faces a gradually shrinking civic space, which limits the scope of action and ability to mobilise and challenge power in all its forms. In the recent past, we have experienced sporadic arrests of activists and NGO staff on flimsy grounds; we have witnessed intimidation of the media and closure of private media houses in some cases. The state has blatantly demonstrated unfair application of the rule of law: those with opposing views are restricted whilst those in support of the government have space for their solidarity messages. This scenario calls for building resilience among CSOs and communities to be able to remain steadfast and defend rights even under very difficult circumstances. ActionAid in Zambia, for instance, has been planning with CSOs and human rights defenders for push back mechanisms in situations where space for engagement is shrinking; adopting alternative strategies of engagement and ensuring protection mechanisms are strengthened for activists and human rights defenders who are the ones at high risk.



FIRST QUANTUM MINERALS

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voor ActionAid

The people of Musele and their advocacy efforts to claim their rights in the face of violations by a Canadian-owned mining company.

FACTS & FIGURES

- **Number affected:** 600 families
- **Impact:** forced displacements, loss of land, labour and livelihoods, decrease of women's socio-economic possibilities, widespread health issues caused by contamination
- **Type of company/sector:** copper mining company, extractive sector
- **Strategy applied:** engagement with local and national officials, engagement with the independent ZEMA, engagement with the company
- **Current status:** the situation is largely improved but is still being monitored by Musele Task Force, ActionAid and others

WHAT HAPPENED AND WHY?

Zambia is Africa's second largest producer of copper, a mineral used in mobile phones, laptops and many other products worldwide. Despite its huge production rate, copper only contributes to 12% of Zambian GDP, meaning the country is losing large amounts of revenue – ultimately resulting in poor public services for citizens. Near the northwest city of Solwezi, one can find what is set to become the largest copper mine in Africa: the Kalumbila copper mine. The Kalumbila mine was established as part of the Trident project by the Canadian company First Quantum Minerals. In 2011, the company acquired 518km² of customary land for its mining activities, by signing a deal with the Senior Chief of Musele. As a result, over 600 families, most of them subsistence farmers, had to relocate to nearby Shinengene and to Northern Township, some 18km away. In addition to the mine, First Quantum also developed power lines and large water dams such as the Chisola dam, which caused further resettlement. Displaced families were resettled in two new housing schemes constructed from concrete blocks and roofed with iron tiles.



The resettlements mostly affected women who were already marginalised. The compensation land they were awarded was not sufficient for food production, nor did they receive legally registered rights to it, to be protected from future displacements. This prevented many women from growing their own food, and the fencing that First Quantum put up around the mining area barred them from access to natural resources such as forests and rivers.

In Zambia, customary land is regulated by traditional leadership and ownership is usually informal – and therefore remains susceptible to manipulation. This means that traditional leaders have full authority to decide what happens with customary land. In this instance, as the deal was signed between First Quantum Minerals and the Senior Chief of Musele, the community had little room to negotiate a compensation package. Furthermore, they received very little information about the compensation and were misled as to which benefits they would receive. Many women, some of them illiterate, did not realise that once they signed the mining acquisition document it meant they could not claim compensation. Other women did not know the compensation details or whether the new parcels of land provided by the mine were registered in their names jointly with their husbands’.

ActionAid and its partner Musele Nkisu Taskforce have supported families in their demands towards First Quantum Minerals to alleviate the issues experienced by the residents.

IMPACT ON THE COMMUNITY

The relocated families suffered many negative impacts due to the resettlement and mining activities in the area.

- Women, traditionally responsible for tasks such as fetching water and growing food, struggled to feed their families. As they are not able to farm the small plots around their house, they now must walk a kilometre to land set aside by the mine for food production.
- Women could no longer grow enough to feed their families. This meant paying up to four times more for food, partly because transport costs have risen as a result of being relocated further from the main market. This is despite having a supermarket within Kalumbila – which people living in poverty cannot afford due to the exorbitant prices.
- As the mining company has fenced off a large area of land, women were barred from accessing forest resources, such as mushrooms, caterpillars and firewood, further impacting on their livelihoods. They also lost access to the surface water they needed to process cassava, a staple food.
- Women who were no longer engaged in subsistence farming started to informally trade goods such as secondhand clothes, agricultural products and other assorted merchandise. However, income levels remain



low. Despite the Kalumbila mine promising jobs to people from the community, most employees are from outside the area, creating further discomfort among the community. While some improvements have been made over the years in terms of employment for people from the community, these jobs are peripheral and insecure.

The situation is even worse for women, as according to the mine operators they lack the education and skills required to work there. Women also indicated they did not have the financial means to bribe their way into a job in the mine, and that they were subject to various forms of abuse in their search for employment in the mines.

- The arrival of the Kalumbila mine also had an impact on families' access to water. Surrounding water streams, a vital resource for the community, saw an increase of aluminum particle contamination as well as increased levels of acidity. Even though the company sunk boreholes, they were insufficient as many people had to make use of them. This number increased due to the arrival of many more people in the area, attracted by the employment the mine offered. The quality of the water in the boreholes was worse than the water the families had access to before, as this water was highly mineralised and had impurities, which caused health problems. Women now had to walk further for alternative, cleaner water sources, which left them with less time for other activities.
- The quality of the houses that people were relocated to is also dire. The area is still being developed, meaning there are no power lines to access electricity and the roads are mainly dust roads. The mining companies have carried out some projects under a CSR initiative, but community members feel inadequate consultations about the community's priorities sometimes lead to CSR projects that are not responsive to community needs.

STRATEGY AND RESULTS

As in many other mining areas, the people of Musele started to experience impacts on their health and they decided to engage with First Quantum Minerals. The company, however, defended its position by arguing that its emissions were well within allowable levels. This raised many concerns among community members and through our partner Musele Nkisu Task Force, ActionAid was invited to support with alternative engagement strategies to deal with the standoff with the mining company.

- Together with Musele Nkisu Task Force, ActionAid engaged the Zambia Environmental Management Agency (ZEMA), the health department and the local council to ascertain the level of contamination, and whether it was within allowable limits.



- After the investigation it was discovered that emissions were beyond allowable levels, posing a health hazard to local people.

With the findings, ActionAid in Zambia and other actors then facilitated a meeting between First Quantum Minerals, Musele Nkisu Task Force, ZEMA, the health department, the local council and community representatives to discuss the way forward. An appeal was made to ZEMA to take measures against the mining company for its poor corporate conduct.

The meeting established the poor conduct by the mining company and the potential impact it could have on people. Stakeholders came up with a solution for First Quantum Minerals to sink small boreholes to improve community access to clean and safe water sources. Given the temporary nature of the solution, the company was also urged to commit to constructing even deeper boreholes, to completely avoid possible contamination. The mining company committed to these initiatives.

ActionAid fostered dialogue and supported Musele Nkisu Task Force and the community in developing advocacy strategies to ensure effective engagement of all key stakeholders. These included alliance-building with like-minded CSOs and key governmental stakeholders to increase impact, and to strengthen the community's demands for clean water and emissions' reduction. Supported by a CSO alliance, the community demanded that First Quantum begin to respect human rights by regulating their activities. The Ministries of Mines, Water and Sanitation, Gender and Community Development and ZEMA, together with the community chief, were also engaged in the process. First Quantum has finally dug deeper boreholes in one of the settlements and purchased water tanks to be installed around the area. Under constant pressure, the company recommitted to implementing the water project. This brings new hope to the communities that they can obtain clean drinking water. Six boreholes of 150-metres deep have been sunk so far. Piped water is now expected to avert the calamity faced by the people of Musele. Importantly, First Quantum has agreed to allow the community to monitor project implementation. Once complete, to ensure its long-term sustainability, the water project will be handed over to the government-owned utility company.

Even though not all health risks have been mitigated, the company, in partnership with Musele Nkisu Task Force, has promised the community it will participate in the identification of further corporate social responsibility projects. ActionAid will keep monitoring the situation in the Musele chiefdom.

TIMELINE

2010
Canadian-owned **First Quantum Minerals** arrives in town (contracts stage).

2012
First Quantum Minerals starts to construct the mine in Kalumbila.

2016
Community's first engagement with the mine on water pollution.

2018
First Quantum Minerals announces a **US\$700,000** water project.

2011
Land acquisition process starts.

2015
First Quantum Minerals starts full operations and production.

2016
The Zambia Environmental Management Agency (ZEMA) conducts **water tests** in Musele chiefdom.



HER STORY



Queen Kakeza lives in Musele chiefdom and is a member of the women's movement formed to fight injustices in the host mining community of Kalumbila. She is also one of many who have suffered the impact of First Quantum's pollution. The contamination of the Musangezhi river has caused her health complications as well as the poisoning of her cassava field. She tells us the state of things has caused considerable concern among the community, which fears people's health might deteriorate quickly and may suffer permanent damage.

Queen recalled the situation prior to ActionAid's intervention: "We were unable to stand and speak for ourselves when we realised that our rights were violated." ActionAid's capacity-building training supported Queen into becoming an important community activist, despite patriarchal restrictions that do not allow women to take part in public decision-making. "ActionAid helped us to understand the importance of women's voices on human rights issues, and they made us understand the importance of engaging with the duty bearers and the corporations."

Expressing happiness for her community's achievement, Queen is hopeful that ActionAid will continue to be supportive of marginalised communities as well as oppressed women.



ACTIONAID HELPED US TO UNDERSTAND THE IMPORTANCE OF WOMEN'S VOICES ON HUMAN RIGHTS ISSUES, AND THEY MADE US UNDERSTAND THE IMPORTANCE OF ENGAGING WITH THE DUTY BEARERS AND THE CORPORATIONS.



ZAMBIAN SUBSIDIARY OF BRITISH MINING CONGLOMERATE

For the first time ever, a community is granted the right to hold a European mother company to account for rights violations perpetrated by a subsidiary in Zambia.

FACTS & FIGURES

- **Number affected:** 1,826 people
- **Impact:** decrease in women's socio-economic possibilities, loss of livelihoods and labour, widespread health issues caused by pollution
- **Type of company/sector:** copper mining company, extractive sector
- **Strategy applied:** community capacity-strengthening, alliance building, advocacy towards the company, public litigation cases
- **Current status:** the situation has largely improved, but is still being monitored by ActionAid

WHAT HAPPENED AND WHY?

In northwest Zambia, near the border with the Democratic Republic of Congo, one can find the Zambian copper belt. This area, home to the districts of Ndola, Kitwe, Chingola, Luanshya and Mufulira, hosts many of the country's copper mines. In Chingola district lives the Shimulala community, of about 1,500 people. This community lives in direct vicinity (10kms) of a copper mine operated by the Zambian subsidiary of a British mining conglomerate.³⁵ Living in such proximity to a copper mine, the community has dealt with acid spills polluting their farmlands and their water, with ensuing impacts on their health and livelihoods. Despite turning a huge profit from the mine (£320 million in 2014 alone), engineers indicate that the mine is working with 40-year-old leaking equipment, power failures and deficient pumps, all of which give rise to excessive acid spillages into the Mushishima stream and Kaffue river.

Under the Fair, Green and Global programme, ActionAid has been working closely with the Shimulala community. A key partnership was established with the Catholic Diocese of Ndola.

IMPACT ON THE COMMUNITY

Copper extraction and processing are known to produce worrying health risks. As acid spills are frequent, the surrounding water sources and Mushishima stream have been contaminated. This contamination is so severe and widespread that it ended up affecting the entire area's water table. People reported that whenever a borehole is sunk, the water comes out with impurities and has an acidic scent. As such, people have no choice other than to use the polluted water.

The Shimulala people rely on water to bathe themselves, irrigate their farmland, feed their livestock and drink. After bathing in the water, drinking it or eating fish from the rivers and streams, people have suffered from allergic reactions on their skin and stomach aches. After visiting hospital, people were told they had ingested acid and that there was permanent damage to internal organs. The pollution, which has now been going on for years, has severely affected the fauna and flora of the rivers as well as the livelihoods of those who depend on them.

Of the whole community, women and children are most affected. As water sources become more and more distant, women and children must walk over four kilometres towards the Kafue river daily to fetch an essential resource on which the entire community depends. Those who are unable to walk long distances, such as the elderly or the physically challenged, have continued to use contaminated water from their shallow wells and polluted streams.

STRATEGY AND RESULTS

Over the years, ActionAid strengthened the capacity of our partners as well as community gatekeepers. ActionAid focused extensively on human rights' understanding and the local, national and international instruments available to uphold and protect them.

Such instruments included but were not limited to the United Nations Guidelines on Business and Human Rights; the Human Rights Charter; OECD guidelines; gender agreements to which Zambia is a party, such as the CEDAW. These provided platforms and resources to advocate for their respect and support advocacy at policy level.

At the same time, ActionAid supported the Catholic Diocese of Ndola in their engagement with company management, aiming to mitigate the social and economic impact of mining activities. Following our pressure, the Zambian subsidiary built a bridge in Shimulala across the contaminated river and sank boreholes equipped with an in-built treatment facility to give people access to safe, clean drinking water for domestic use.

In 2011, the community decided to seek legal redress from the company for the health impacts suffered due to the pollution. The High Court in Lusaka ruled that the British conglomerate should pay £1.3 million in compensation to 2,000 people for the pollution of the Kafue river in 2006. The judgement claimed the company had been, "shielded from criminal prosecution by political connections and financial influence." However, after the British conglomerate appealed to the Supreme Court, stating it was not responsible for the pollution, the compensation was reduced to virtually nothing.



THIS WAS A HISTORIC DECISION, THE FIRST-TIME VICTIMS OF HUMAN RIGHTS VIOLATIONS WERE ABLE TO TAKE A MOTHER COMPANY TO COURT IN THE HOME STATE OF THE MULTINATIONAL, FOR THE ACTIONS OF THE SUBSIDIARY.

As their struggle for justice did not come to fruition in Zambia, in 2015, 1,826 Zambian community members decided to take the case to the British High Court. As the mother company owns 51% of the Zambian subsidiary's shares and is headquartered in the United Kingdom, it was assumed that it would be possible to hold the company to account in British courts. The Shimulala people accused the mining company of causing personal injury, damage to property and loss of income, amenity and enjoyment of land as a result of the pollution and environmental damage caused by activities carried out in company's mine. Furthermore, they accused the UK-based parent company of breaching its duty of care in relation to the Zambian subsidiary and their operations.

The British conglomerate challenged the case by claiming that the mine was owned by the subsidiary company and thus the case couldn't be handled in British courts. The judge disagreed, stating that mother company, "did not provide any evidence for not being responsible for the acid spillages". In 2016, the UK High Court rejected the conglomerate's argument that the farmers should not be permitted to bring their case in London. The judge found that, despite recent reforms to the Zambian justice system, the claimants would not obtain justice if they pursued a case against the mining company in Zambia. One month after the ruling, the Zambian government announced plans to liquidate the Zambian subsidiary and renationalise or redistribute its assets, claiming that the mother company had violated its mining license and failed to pay tax.

Two years later, following a further appeal from the British conglomerate, the court of appeal upheld the High Court ruling. This was a historic decision, the first-time victims of human rights violations were able to take a mother company to court in the home state of the multinational, for the actions of the subsidiary. Not only was this a breakthrough for this specific case, it also set the legal precedent for other cases against mother companies, such as against Shell and Unilever for human rights violations perpetrated by subsidiaries in Nigeria and Kenya. It also set the precedent for new legal thinking on mandatory human rights due diligence, which is being developed for example during negotiations for the UN Binding Treaty on Business and Human Rights.

Despite this being a landmark decision, it was only the beginning for the affected communities. The community was merely granted permission to pursue the case in the United Kingdom, however a decision on the case and possible redress is still years away. In the meantime, the Zambian subsidiary continues to pollute rivers and water streams in Chingola. During the already 15-year long legal battle to obtain justice for damages suffered, ActionAid Zambia and its partner have worked closely with communities in Chingola. ActionAid has been in contact with the lawyers of the Leigh Day firm who have aided the community in court. ActionAid also worked with other civil society organisations based in the UK to support the communities, for example by financial means.

The Zambian farmers' case will either be settled or will go to trial in the High Court at a date to be determined. In the event of the copper mining company's liquidation, the approval of the Zambian courts would be needed to allow the UK legal action to continue. As such, lawyers have started preparing communities on the ground to be ready for the different options that they may be given.

TIMELINE

2004
A Zambian subsidiary company starts its **copper mining** operations.

2011
The Zambian Supreme Court **overturns** the case.

2016
The UK High Court **accepts jurisdiction** over the case.

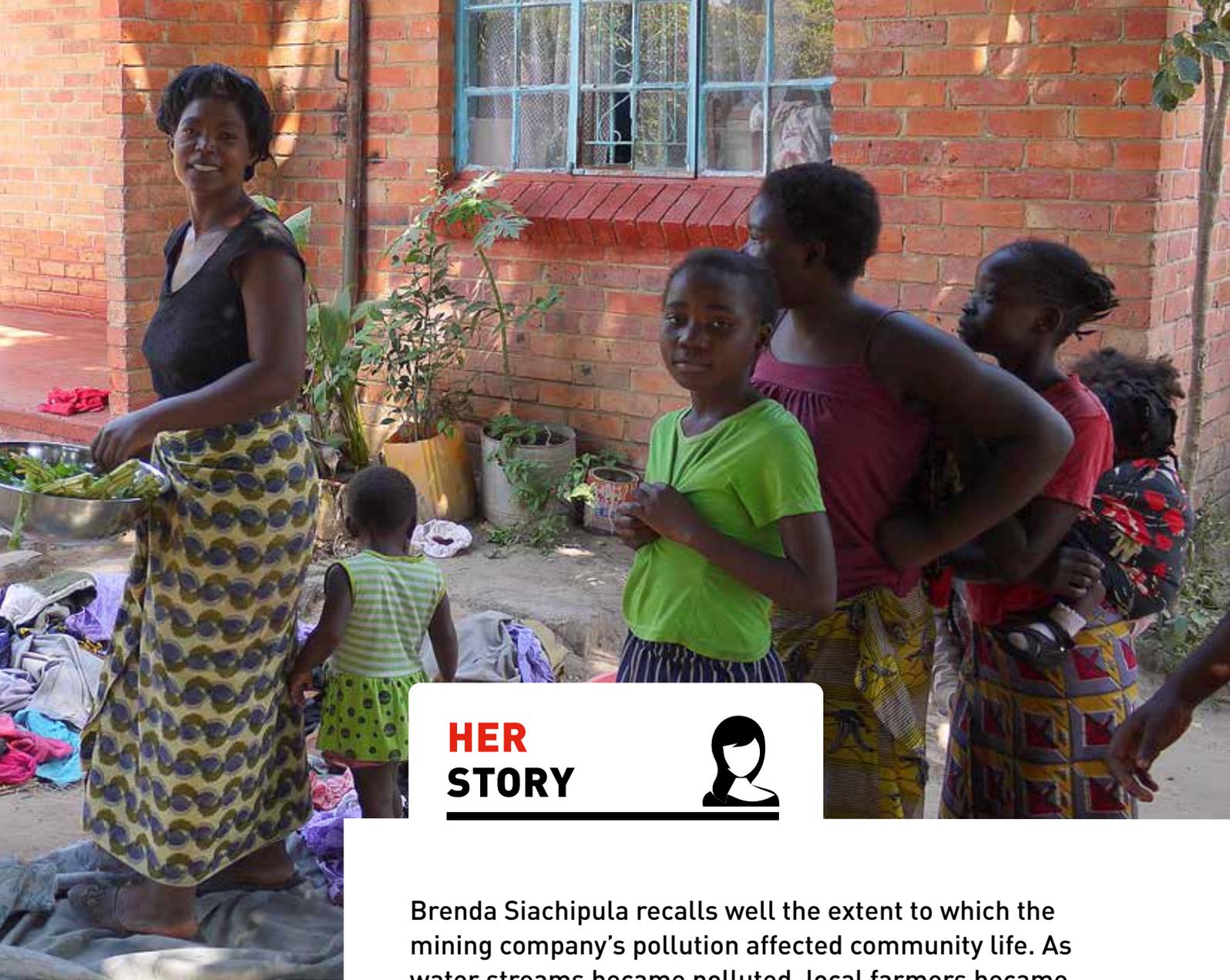
2018
The Zambian government **liquidates the Zambian subsidiary** citing that the mother company has failed to uphold the contract's terms and has not been paying taxes.

2011
The community files a **lawsuit** against the company. The Zambian High Court adjudges that the company is liable for compensation of £1.3 million.

2015
As the mother company has its headquarters in London, **1,826 community members** decide to take the case to the British Courts.

2018
UK Court of Appeal maintains the UK High Court's judgement stating that conglomerate can be judged under **UK jurisdiction**.

2019
April
British Supreme Court rules unequivocally that the mother company is liable on British soil. The case continues.



**HER
STORY**



Brenda Siachipula recalls well the extent to which the mining company's pollution affected community life. As water streams became polluted, local farmers became dependent on seasonal rain, which fails to guarantee food security. Brenda also reports the health crisis following the contamination: **"The water from the stream has really affected the skins of people when used for bathing, many women have suffered allergic reactions around their genital areas as a result of using contaminated water. This was followed by numerous accusations of infidelity by their husbands, many of them threatening their wives with divorce."**

Brenda is thankful for the efforts of ActionAid in Zambia for providing an enabling environment for voices like hers to be heard: "After training conducted by ActionAid, we started to engage the mining company to be more responsible in the way they conducted their business." These engagements, facilitated by ActionAid and attended by likeminded CSOs, led the copper mining company to sink a borehole to assist with the water crisis they had created. As the water was still coming out contaminated, community members decided to seek legal redress. Brenda is now very optimistic that the judgement will finally bring due compensation.



**AFTER TRAINING
CONDUCTED
BY ACTIONAID,
WE STARTED TO
ENGAGE THE
MINING COMPANY
TO BE MORE
RESPONSIBLE IN
THE WAY THEY
CONDUCTED THEIR
BUSINESS.**

LESSONS LEARNED

Zambia's population still faces high levels of inequality, where only a few reap the benefits of the extractives sector. When the government owned most mines in Zambia, communities living in the area were able to avoid contamination issues by relying on the social services provided by law. Following privatisation, however, mines stopped being accountable to the surrounding communities. Some mines, now private, have retained previously built infrastructure such as schools and medical centres only for their staff. Importantly, corporate social responsibility is not a legal requirement in Zambia and, as such, mining companies have no legal obligation to provide a better environment.

On paper, the Zambian government is supposedly committed to respecting human rights in all developmental endeavours. At the same time, at least politically, the country's economic development is thought to be tightly bound to the mining sector. The two cases analysed above provide an insight into the current situation in Zambia regarding corporate abuse and accountability. The successes as well as the challenges will serve at a starting point for our next battles.

During our support to communities, direct engagement with the companies proved rather difficult. For instance, First Quantum Minerals first did not acknowledge the level of contamination caused by its operation, and then refused to include the community in the decision-making process regarding the resolution.

In both cases, ActionAid's support to the community as well as its broader engagement with like-minded CSOs, government ministries, relevant departments and independent agencies was key to building stronger voices, which made the company rescind its decision and listen to the demands of communities.

In Zambia, ActionAid will keep advocating for development that is sustainable and fair. As such, ActionAid will keep lobbying policymakers for mining companies in the country to be held accountable for the increasingly worrying levels of pollution that cause great harm to rural and urban communities. ActionAid will also keep supporting affected communities in their lobbying efforts.

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- 9** Since 2015, Socfin-KCD has been solely owned by Socfinasia, an investor managing a portfolio of companies running 55,000 hectares of palm oil and rubber plantations across southeast Asia.
- 10** The Independent Mediation Organization is a Cambodian NGO working on land conflict resolution through mediation.
- 11** CCHR (2019) Briefing Note on Business and Human Rights: Preventing, Mitigating and Remediating Land-Related Rights Violations in the Kingdom of Cambodia: Seven Areas for Improvement, www.cchrcambodia.org/admin/media/analysis/analysis/english/20181219%20BHR%20Briefing%20Note%20ENG-Final.pdf; See also: Ruling of the Nanterre's Tribunal, 10 February 2017 p. 5.
- 12** Ministry of Agriculture, Forestry and Fisheries (2011) Economic land concessions profile: Koh Kong Plantation Company Limited, www.data.opendevelopmentmekong.net/dataset/bc13a206-e31b-4f5d-b28d-4ed556688181/resource/760e3aab-821a-4cac-a0ba-b2e166ee7c18/download/kohkongplantationcompany21.06.2011.pdf
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- 15** The Phnom Penh Post (2018) Koh Kong land dispute solved, ministry says, www.phnompenhpost.com/national/koh-kong-land-dispute-solved-ministry-says-0
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- 18** FAO, Gender and Land Rights Database: Kenya, www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country_iso3=KEN
- 19** IGAD (2018) Toward the Realisation of Land Rights for Women in Kenya, www.land.igad.int/index.php/documents-1/countries/kenya/gender-3/616-toward-the-realisation-of-land-rights-for-women-in-kenya/file
- 20** Kenya National Commission on Human Rights (2006) The Malindi Public Inquiry Audit Report, www.knchr.org/Portals/0/Malindi%20Public%20Inquiry_Audit%20Report.pdf
- 21** Harbours Lake Kanyaboli, Lake Sare and Lake Namboyo freshwater lakes, endangered fish species, the critically endangered Sitatunga antelope, Ramogi Hill (a sacred site for the Luo people), offers sanctuary for almost 60 species of birds, acts a natural filter for a variety of biocides and other agricultural pollutants from the surrounding catchment, and effectively filters silt before the water enters Lake Victoria.
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- 25** Ministério do Género, Criança e Acção Social (2016) Perfil de Género de Moçambique, www.mgcas.gov.mz/st/FileControl/Site/Doc/4021perfil_de_genero_de_mozambique.pdf
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- 28** Transparantiebenchmark (2019) www.transparantiebenchmark.nl/scores#/survey/10
- 29** MVO Platform (2020) Betrokkenheid van Nederlandse bedrijven bij mensenrechtenschendingen en milieuschade komt nog altijd veel voor, www.mvoplatform.nl/betrokkenheid-van-nederlandse-bedrijven-bij-mensenrechtenschendingen-en-milieuschade-komt-nog-altijd-veel-voor/
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- 38** Mining Zimbabwe (2018) Zimbabwe Economic Minerals, www.miningzimbabwe.com/minerals-of-zimbabwe
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