REPORT ON THE

DEVELOPMENT PARTNERS'
BREAKFAST MEETING TO
SUPPORT THE
DEVELOPMENT OF THE
NATIONAL ACTION PLAN
ON BUSINESS AND HUMAN
RIGHTS IN TANZANIA

4 July, 2023 I Dar es Salaam

Promoting responsible business conduct for sustainable development in Tanzania











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1. INTRODUCTION

DEVELOPMENT PARTNERS' MEETING

TO DISCUSS SUPPORT
TO THE
DEVELOPMENT OF
NATIONAL ACTION
PLAN ON BUSINESS
AND HUMAN RIGHTS
IN TANZANIA

Participants

59

From

Government

Diplomatic missions

UN agencies

Umbrella organisations

Corporates

Media

The Commission for Human Rights and Good Governance (CHRAGG) with the support from the United Nations Development Programme Tanzania Office (UNDP) convened with a section of diplomatic missions, United Nations organizations, corporate's umbrella organizations, companies and other key development partners to engage them and seek their support for the development of the National Action Plan on Business and Human Rights (NAP-BHR). The meeting was held on 4th July, 2023 at Four Point Hotel in Dar es Salaam.

The meeting was convened after the two Governments of the United Republic of Tanzania and the Revolutionary Government of Zanzibar had in April, 2023 extended to the CHRAGG their policy making prerogatives to spearhead the development process of the NAP-BHR. The Government commitment to develop a NAP-BHR was first made in Five Year National Human Rights Action Plan (NHRAP) that spanned from 2013 to 2017. A similar urge to develop the NAP-BHR was repeated by a wide stakeholder in the National Baseline Assessment on Business and Human Rights (NBA-BHR), which was developed by the CHRAGG and inaugurated in 2017.

The main objective of the meeting was to solicit fund that will support the effort of the Government to put in place a policy document which articulates priorities and actions for implementation of the United Nations Guiding Principles on **Business and Human Rights** (UNGPs-BHR) and promote responsible business conduct in Tanzania. As part of this objective, CHRAGG also used the Meeting to orient the participants on the road map that Tanzania will ride on during the development of NAP-BHR. Promoted by the United Nations (UN) as well as numerous regional actors, NAP-BHR have been widely adopted in UN member states, including in Africa.

A Total of fifty-nine (59) participants from CHRAGG, diplomatic missions, UN agencies, umbrella organisations, corporates and the media attended the meeting. The partners appreciated the efforts that had been made the Government and CHRAGG towards the development of the NAP-BHR and committed to support its processes.



By naming the participants attending included from the following: Ministry of Constitution and Legal Affairs (MoCLA); CHRAGG; the embassy of Netherlands Sweden Ireland Qatar; and Swish Embassy; USAID; UNDP; UN Global Compact Network, the UNESCO; Gender Working Group-Human Rights Sub-Group; Tembo Nickel Corporation; EACOP in Tanzania; ARS IURA Consultancy Services Ltd; Tanzania Chambers of Commerce, Industry, Trade and Agriculture (TCCIA); Shanta Mining Company Ltd; Tanzania Bankers Association (TBA); print and electronic media



1.1. MEETING OVERVIEW

The event was facilitated by CHRAGG BHR Team with technical and financial support of the UNDP as part of ongoing partnership under the Access to Justice and Rule of Law Project. The Meeting well restated the commitment of the Tanzania Government towards the development of NAP-BHR, intended to be as practical as possible. The meeting comprised of live presentation through Posters reflecting the NAP-BHR Process tailored to specific stages and interest of each stakeholder might play in funding the process. The sessions were moderated by a renowned Master of Ceremony Mr. Taji Liundi.









Participants during the meeting.

1.2. PROGRAMME

8:30 - 9:00AM	ARRIVAL & REGISTRATION	
9:00 - 9:30AM	 OPENING REMARKS Chairperson, Tanzania Commission for Human Rights and Good Governance (CHRAGG) Permanent Secretary, Ministry of Constitutional and Legal Affairs Resident Representative, United Nations Development Programme in Tanzania 	
9:30 - 10:00AM	OVERVIEW OF BUSINESS & HUMAN RIGHTS (TANZANIAN CONTEXT) CHRAGG 1	
10:00 - 10:30AM	PRESENTATION: NATIONAL ACTION PLAN ON BUSINESS & HUMAN RIGHTS DEVELOPMENT PROCESS CHRAGG	
10:30 - 10:50AM	Q&A	
10:50 - 11:15AM	HEALTH BREAK	
11:15 - 11:45PM	:45PM WHO FITS WHERE IN THE PROCESS Moderator	
11:45 - 12:00PM	.1:45 - 12:00PM DISCUSSION AND WAY FORWARD Moderator	

2. REMARKS FROM DIGNITARIES

2.1. WELCOME REMARKS BY CHRAGG'S CHIEF EXECUTIVE SECRETARY

Mr. Patience Ntwina, the Executive Secretary of the CHRAGG welcomed the wide range of development partners, CHRAGG Commissioners and media outlets in the room and acknowledged the protocol sitting at the high table, who included, Hon. Judge (Rdt.) Mathew Mwaimu, the Chairman of the CHRAGG; Mrs. Neema Mwanga who represented the Permanent Secretary of MoCLA and Ms. Christine Musisi, Tanzania UNDP Country Resident Representative.

Mr. Ntwina acknowledged the initiative of the UNDP for its technical and financial support. Lastly, he invited the Guest of Honour, Hon. Judge (Rdt) Mathew Mwaimu to officiate the event, open the meeting and convey his opening remarks.



The Executive Secretary of the Commission for Human Rights and Good Governance Mr. Patience Ntwina giving introductory remarks.

2.2. OPENING REMARKS FROM THE CHAIR OF THE CHRAGG

Hons Judge (Rdt) Mathew Mwaimu, the Chairman of the CHRAGG started the salutation by acknowledging the protocol. He extended gratitude to MoCLA in Tanzania Mainland and the President's Office-Constitution, Legal Affairs, Public Service Management and Good Governance in the Revolutionary Government of Zanzibar for trusting the CHRAGG to spearhead the development of the NAP-BHR. He thanked embassies and high commissions, UN agencies and corporates invited and present at the Meeting.

The Chairman highlighted on the Government Commitment to develop the NAP-BHR that will outline Country priorities and actions to address business responsible conduct in Tanzania. Further, insisted that, with the recent launch of the African Continental Free Trade Area (AfCFTA), the continent has and continues to attract heightened economic activity, including investment in diverse business sectors, making the development of NAP-BHR timelier than ever.



The Chairman of the Commission for Human Rights Hon. Mathew Mwaimu (Retired Jugde) officiating the meeting.

Hon. Mwaimu recognised the vital importance of adopting an Action Plan on Business and Human Rights. Gave examples of nine (09) African countries African Countries (Kenya, Morocco, Liberia, Uganda, Ghana, Nigeria, Zambia, Mozambique and South Africa) that have taken steps towards NAP-BHR development, either through a government-led process, or lead by civil society, the National Human Rights Institutions (NHRIs) like CHRAGG and/or academia since the adoption of the UNGPs in 2011. That, these milestones not only show Government Commitments to protecting human rights in the context of business but also will be crucial to creating an environment where growth and prosperity of the businesses and the nation thrive while respecting and protection human rights of everyone.

He highlighted on steps that CHRAGG has taken as perquisites to supporting the development of a NAP-BHR that included conducting the NBA in 2017 through engagement and consultation of stakeholders including communities affected by business's operations. Since the launch of the NBA-BHR in November, 2017, he informed participants that, CHRAGG has played an active role in convening multiple actors around the business and human rights agenda and engaging in dialogue with Government, and business entities and engaging in dialogue with civil society organizations (CSOs). The NAP-BHR will be developed and implemented to create a better legal framework, stimulate national dialogue, provide guidance for business responsibility to respect and enhance stakeholder capacity on understanding of BHR and strengthen access to remedy mechanisms for both Government and private sectors.

Aligned with the UNGPs, he mentioned that, the development of NAP-BHR is designed to align with the National Five Years Development Plan (2021/22-2025/26). The Tanzania Development Vision 2025, Zanzibar Development Vision 2050 and the Zanzibar Blue Economy Policy 2020, Sustainable Development Goals (SGDs 2030) and the African Union Agenda 2063. Hon. Mwaimu concluded by requesting cooperation from development partners, business communities, and in particular financial assistance to make a NAP-BHR a reality in Tanzania sources. He lastly extended gratitude to UNDP for its support and all participants attending for valuing the Meeting to introduce the intention of the Government to develop a NAP-BHR.

2.3. REMARKS FROM MOCLA

Remarks from the Permanent Secretary of MoCLA was made on by Mrs Neema Mwanga who started by acknowledging the protocol of attending participants by saluting them in the Name of the United Republic of Tanzania: Kazi iendelee. She conveyed appreciation to the UNDP Tanzania for being part of the initiative and a strong supporter of the MoCLA's human rights policy mandate, including the initiative to consider a NAP-BHR being championed by the CHRAGG.

She introduced the UNGPs that was adopted by the UNGA through Resolution No. 17/4 Of of 2011 to offer human rights protection during business and ensures remedy is available from judicial and quasi-judicial institutions in event of disputes. Ms Mwanga said that, the concept of human rights in business was considered in the first Human Rights Action Plan (NHRAP) of 2013 to 2017.



The representative of the Permanent Secretary Ministry of Constitution and Legal Affairs Mrs. Neema Mwanga expressing the opinion of the government regarding the Preparation Process of the work plan on Human Rights and Business.

The NHRAP featured the need for NBA-BHR and was conducted by the CHRAGG and launched in 2017. One of the recommendations in the NBA was an absence of NAP-BHR and the need to develop comprehensive policy, normative and institutional analysis on business in Tanzania including gaps hindering the promotion and protection of human rights during business activities.

The Government commitment to responsible business conduct is more amplified by extending to CHRAGG the mandate to spearheading the development of a NAP-BHR which was made in April, 2022. Explaining the processes of the NAP-BHR, she insisted that there are issues to be cleared and thoroughly researched before presenting the concept to the Inter-Ministerial Technical Committee (IMTC) that would be sanctioned by Cabinet of Ministers. What has to come out clearly before the Inter-Ministerial Technical team are indeed the technical issues in business abrogating human rights. Technical arguments have to be well researched and substantiated as the IMTC is comprised of the broad range of experts informed in all aspects of business from production, construction, tax matters, contracts, labour laws, workers' rights, safety, fair competition, trade and dispute resolution. Therefore, it is very important for the arguments for a Human Rights and Business Action Plan be substantially developed vis a vis the status quo.

She mentioned that, since 2017 the blueprint on business in Tanzania was developed, laws to enhance the administration of justice have been enacted and there has been concerted promotion of the use of Alternative Dispute Resolutions (ADR) to settle disputes. Environmental laws have been strengthened and an investor friendly climate is being developed, thus, the added value of a human rights and business action plan is advantageous to the country.

Provided the Government has given CHRAGG a go ahead to spearheading a NAP-BHR, in this regard, UNDP and developing partners can support the CHRAGG in buttressing the technical aspects for its development, that included reviewing the NBA which was a critical part of the process and which will highlight issues that have been overtaken by events and that were still relevant. CHRAGG can during the review of NBA study the National Blueprint for Business and highlight specific areas which have human rights gaps. Added that, MoCLA has started discussions with the CHRAGG after it submitted and presented before the MoCLA Management the Concept on the roadmap for the development of a BHR NAP and CHRAGG has reworked on the Concept to incorporate the MoCLA observations and recommendations in order to have a substantial paper to present to the IMTC.

2.4. REMARKS FROM UNDP TANZANIA RESIDENT REPRESENTATIVE

The remarks by UNDP were made by Ms. Christine Musisi, Tanzania Resident Representative. Ms Musisi highlighted that, UNDP was happy that Tanzania is moving forward in the agenda for BHR; UNDP counts on the CHRAGG as the sole and competent body to spearhead the promotion of human rights mentioning that Ten out of 55 of African countries have taken steps towards the development of NAP-BHR. Insisted that, the UNGPs, was not compulsory to state parties, but the Council wished to see countries observe basic human rights as to the Global Human Rights Benchmark, it was still a long way for companies to observe human rights.

Emphasized that, Companies should put their business at the centre and the backbone of the SDGs as per Global Human Rights bench marks. The Presence of NAP-BHR in the Tanzania will make all stakeholders responsible for business conduct so it is very important for state actors not to work in Siros towards promotion of human rights. State actors, business actors and other actors to work together; and Set ground for effective communication in taking actions for all who are engaged in business and human rights promotion.



UNDP Resident Representative Ms. Christine Musisi speaking at the Meeting.

3. OVERVIEW OF BUSINESS AND HUMAN RIGHTS IN THE TANZANIA CONTEXT

An Over view on BHR in Tanzania was presented by Hon. Mohamed Khamis Hamad, the Vice Chairman of the CHRAGG. The Vice Chairman, who heads the Business and Human Rights Thematic Area, reiterated the statement made by the Chairman of the CHRAGG that the growth in investment and business through various development initiatives and reforms like the National Five Years Development Plan (2021/22-2025/26) has resulted into increase of investments and business activities in Tanzania thus a need for strengthening mechanisms and effort towards promotion and protection of human rights in the context of business. The CHRAGG being the NHRI and an Ombudsman has done several initiatives to promote responsible business conduct in Tanzania, these includes: advocacy and dialogue with state and nonstate actors; Conducted NBA-BHR in2017; investigation of the corporate abuses, monitoring the implementation of UNGPs, case study research and initiating a multi-stakeholder alliance to support the development of a NAP-BHR).

Hon. Hamad said that, initiatives made by the CHRAGG have generally enhanced accountability and access to remedy for the victims of corporate abuses as well as improving awareness of the UNGPS to the few stakeholders from State Actors, non-State actors, CSOs, business community, and community members; decrease in received complaints and incidences against corporate abuses, increased measures by functioning of Company intra-level grievances handling mechanisms, as well as reforms in some laws and policies on investment like Mining Act, Cap 123.

Despite increased CHRAGG attention to addressing the challenges at the interface of business and human rights, gaps remain in ensuring effective protection and promotion of responsible business conduct. Gaps remaining include:

Absence of the NAP-BHR that would have Identified key players for business and human rights in Tanzania, mapped out tangible actions for implementation of the UNGPs-BHR and established commitments from the partners, including state actors towards ensuring respect and protection of human rights in business context:

- Knowledge gaps on business and human rights issues, especially UNGPs-BHR amongst stakeholders;
- Business and human rights tend to focus on multilateral and large companies, leaving out petty trades whereby human rights issues are not well addressed;

Non-judicial grievances handling mechanisms and some oversights bodies like Labour Office are not adequately empowered to execute their mandate effectively while there is still massive increase in labour rights violations with many employers including corporations;

Limited engagement and consultation with business stakeholders to strengthen their compliance with human rights standards as Human Rights Due Diligence not considered mandatory by most companies.

Under-reporting and detection of corporate harms. Some of the corporate abuses and violations are not reported or detected either due to lack of knowledge and inaccessibility of grievance handling mechanisms. He further explained that some harms related to Land, environment and natural resources has not been reported due to lack of participatory mechanisms and consultations with people affected by land and environmental related policies and practices; and

Little focus on the impacts of business to vulnerable groups including children and women. Most of the business and human rights actors gives little and inadequate attention in addressing needs of the special group like women, children and People with disabilities.

The Vice Chair said the development of the NAP-BHR will therefore cure the above gaps by making the Government responsible to fulfil its duty to protect, the business responsibility its duty to respect and consequently victims to be able to access equitable and sufficient remedies. Nevertheless, the development of the NAP-BHR requires sufficient resources that CHRAGG cannot afford due to limited budgetary allocation.



The Vice Chairman of the Commission for Human Rights and Good Governance Hon. Mohamed Khamis giving an overview Business and human rights in Tanzania.

2. PRESENTATION: THE ROADMAP TO THE DEVELOPMENT OF NAP-BHR IN TANZANIA

This presentation reflected on the Process of Development of NAP-BHR. The stages for NAP-BHR development were featured through Posters Presentation by Ms. Jovina Jovita Muchunguzi-a Project Coordinator for the CHRAGG. The key processes of the NAP-BHR in Tanzania were pasted on the wall and required the participants to identify possible areas they fit in and show interest in the process to which fits for their financial and technical support.

4.1. THE NAP-BHR KEY PROCESSES

4.1.1. Validation of NAP-BHR RoadMap

Clarifications were made that a NAP-BHR is key for sectoral ministries, civil society Organisations and corporations. It informs the NAP process and promote stakeholder's engagement. This stage involves Conducting meeting targeting key sectoral ministries and other stakeholders to inform NAP Process and their participation in NAP -BHR development. They will also provide inputs into the initial planning for the NBA review.

4.1.2. National Stakeholder Dialogue

The stakeholders National Dialogue Meeting will involve all possible stakeholders across the country. It will review progress on the NAP process, challenges, suggest solutions, including coordination of the NAP process. It will also review lessons learnt and approve the Road Map for remaining NAP processes.

4.1.3. National Baseline Assessment Review

This will be a process defining event involving national and international stakeholders. It will involve reviewing of the NBA across the 3 pillars of UNGPs by engaging stakeholders in Mainland Tanzania and Zanzibar, reviewing literature and updating information existing legal and policy gaps on the State obligation to protect rights from business context and access to effective

for persons and groups affected and holding public meetings with communities and leaders at local level Mainland Tanzania and Zanzibar. In General, it will entail revisiting business uptake of UNGPs and implementation of their responsibility to respect human rights.

4.1.4. Validation of NBA

Validate the NBA, identify NAP Priority Thematic Areas and also, create Thematic Working Groups (TWGs) to examine in detail identified issues to be addressed in the NAP and propose actions to be taken to address the legal and policy gaps including actions to be taken by businesses to enhance respect for human rights. After the consultation process has been completed, there should be one or more meeting(s) to discuss the findings and recommendations that have been made. The meetings are important in collecting and correlating information and details that may finally find their way into the NAP-BHR. Ideally, there should be two meetings. The first one should discuss issues along the themes while the second one should discuss issues based on a consolidated discussion paper. The validation meetings will as well propose actions to be taken to address the legal and policy gaps including actions to be taken by Businesses to enhance respect for human rights.

4.1.5. Stakeholders Consultative Meeting

The Thematic working Groups (TWGs) will intimately consult with stakeholders with interests in issues being addressed by the respective TWGs. They will propose thematic specific detailed actions to be taken by different primary and secondary duty bearers to ensure business activities/operations do not result in human rights violations. They will hear both businesses and members of the public, CSOs, communities, workers, and value chains on concerns they have in relation to specific issues and work on proposed actions.

4.1.6. Consensus Building Meetings

These consultative meetings to build consensus will be spearheaded by the National Steering Committee (NSCO) and thematic groups representatives and will involve meeting region and district stakeholders and special interest groups that may not have had the opportunity to participate in the National Dialogue meetings and thematic group consultations. Identification of participants will be very deliberate and as inclusive as possible. Scrutiny of the issues will be conducted by NSC and TWGs.

4.1.7. Drafting the NAP-BHR

The National Steering Committee, with support from the MoCLA-CHRAGG Technical working Team, with Technical Assistant of the BHR experts will review the reports of the validation meetings and develop a draft NAP-BHR. The Steering Committee will compile the feedback and develop the final NAP-BHR which is practical in orientation, sets achievable targets and proposes wide ranging, practical, realistic activities to reach those targets and improve the promotion and protection of business and human rights in Tanzania. It should be noted that some aspects of the NAP-BHR drafting process may call for international technical assistance in order to generate a plan that is acceptable to all.

4.1.8. Validation of Draft NAP-BHR Document

This process will involve all stakeholders including those that may not have participated during consultations, in reviewing and endorsing proposed NAP issues and agreed actions to address the issues.

4.1.9. Submission of NAP Document to the Cabinet

Mainly for the Government, NAP-BHR draft document tabled before Cabinet for approval.

4.1.10. Launching and Dissemination

The NAP-BHR is a government policy document, hence its prerequisite processes to be approved and adopted by the Cabinet, and endorsed by the Tanzania Parliament and the Zanzibar House of Representatives. This is because the implementation of the NAP-BHR will require mobilization of resources and allocation of responsibilities and duties among Government implementing actors. The NA-BHR will need to be incorporated into their policies, Annual Work Plans, Mid-Term Expenditures Framework (MTEFs). Clear time frameworks and responsibilities for implementation will need to be established for each activity.



Principle Investigating Officer and Project Coordinator, of the Human Rights and Good Governance Commission, Mrs. Jovina Muchunguzi presenting the stages of the Preparation Process National Action Plan on Business and Human Rights.

4.2. PARTNERSHIP AND COLLABORATION; COMMITTAL SUPPORT FOR PROCESS(ES)

S/N	Stages of the Process	Partner in Support	Follow-up by CHRGG
1	Validation of NAP-BHR RoadMap		
2	National stakeholder dialogue	Tembo Nickel Ltd Corporation	Letter of appreciation
3	NBA review	ARS IURA Consultancy Services Ltd. Shanta Mining	Engage in discussion on means and procedures for support
4	Validation of NBA	EACOP	Submit details budget on the Process and share to the partner
5	Stakeholders consultative meetings	EACOP Tembo Nickel Ltd. Corporation	
6	Consensus-building meeting	ARS IURA Consultancy Services Ltd.	
7	Drafting and validation of NA		Continue engaging partners for the support
8	Submission of NAP-BHR document		
9	Launch of NAP	ARS iura Consultancy Services Ltd.	 Letter of appreciation Engage in discussion on means and procedures for support Prepare details budget on the Process and share to the Partner

4.3. QUESTION AND ANSWERS AND PLENARY DISCUSSION

The issues that arose from the Questions and Answers were as follows:

- Consideration of the Tanzania Tax Regime and Digitalization (eg, cyber crimes and technologies issues,) during the NAP-BHR making processes;
- Engage the stakeholders broadly during the NAP-BHR after completion of the NBA review;
- Inclusion of small scale-map up from the umbrella organisation by working with the Corporate during the review of NBA;
- Consider the inclusion of Human Rights
 Ethics of Artificial intelligent, which is a ripe area of interest where the world is moving on;
- Make the Timelines for the NAP-BHR clear and prepare the Time Table for each component of the Process. Learn and get experience on how long other countries took in developing the NAP-BHR;
- The Timeline is 13 months from May 2023 to October, 2024;
- Strategize on how the NAP-BHR will be implemented be implemented by the businesses and monitored in conjunction with the development plans, National and at level below (learn from Kenya);
- Work out a plan on for the Inclusion for marginalised groups-systematically integrate the marginalised groups in the NAP-BHR preparation processes;
- Work on how to overcome the challenges to apply the issue of human rights business;

- Integrate the TBA study on the uptake and compliance with ESG standards and frameworks in the banking sector; and
- Set criteria for receiving support to avoid negative implication and connotations.



The Political and Business Affairs Officer from the Sweeden embassy Mrs. Raya Bihondwa asking a question immediately after the presentation of the steps of the process of preparing the work plan for Human Rights and Business.

4.3. TAKE AWAYS FOR ACTION AND CONSIDERATION



1

Extend gratitude to everyone who participated in the meeting;



2

CHRAGG to continue identifying, consulting and engaging with stakeholders;



3

To ensure that NAP-BHR processes are owned by all stakeholders;



4

Stakeholders to recognize that everyone has obligations and duty to protect human rights;



5

CHRGG is happy to see there are committed in almost all the stages with exception to a few ones which will be taken care;



6

To hasten the Process of preparation the NAP-BHR to avoid partners and stakeholders to lose interest; and



7

CHRGG is counting on stakeholders.

5. CLOSING REMARKS

The closing remarks and vote of thanks were made by Hon. Nyanda Shuli, Resident Commissioner of the CHRAGG Dar es Salaam Branch. Hon. Shuli extended gratitude to participants and solicited their collaboration in the process of preparing the NAP-BHR, which CHRAGG the assured stakeholders' ownership. Hon. Shuli remarked that it was a task for everyone to protect human rights and address the impacts of business activities on human and people rights.

Reminded that CHRAGG has already started to the process CHRAGG and was happy to see there the partners committed to support the NAP-BHR in almost all the stages with exception to a few ones. He lastly said that CHRAGG was counting on stakeholders.



Hon. Nyanda Shuli, Resident Commissioner of the CHRAGG Dar es Salaam Branch delivering closing remarks.

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