

**UNITED REPUBLIC OF TANZANIA**



**COMMISSION FOR HUMAN RIGHTS  
AND GOOD GOVERNANCE**



**REPORT OF THE MULTI-STAKEHOLDER NAP-BHR ALLIANCE MEETING  
HELD ON 30 AUGUST 2022 IN DAR ES SALAAM**



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**SEPTEMBER, 2022**

## **1.0 INTRODUCTION**

The Commission for Human Rights and Good Governance (CHRAGG), in collaboration with the Danish Institute for Human Rights (DIHR), convened a multi-stakeholder National Action Plan on Business and Human Rights (NAP-BHR) Alliance meeting on 30 August 2022 in Dar es Salaam at the Holiday Inn Hotel. The alliance meeting was attended by key representatives from the Government, Civil Society and Business Community from both Tanzania Mainland and Zanzibar. A total of 18 people attended the meeting, being 10 men and 8 women. The main objective of the meeting was to discuss how best to drive forward the preparation of NAP-BHR in Tanzania.

As part of this objective, the meeting specifically aimed at strengthening the capacity of the participants on Business and Human Rights (BHR), including on key frameworks such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) and National Action Plans on Business and Human Rights. The discussion also considered key factors in driving forward a Tanzania NAP-BHR process by drawing on best practice and experience from other East Africa Countries such as Kenya and Uganda, which have developed NAPs; analyzing the key role that stakeholders might play in the development of a BHR-NAP in Tanzania, including consideration of industry-specific interventions; reflecting on factors that contribute to the success of a NAP-BHR, benefits and challenges; and thinking through how best to solicit and secure the Government's commitment statement and action towards the development of a NAP-BHR.

### **1.1 NAP-BHR Alliance Meeting Overview**

The event was facilitated by the CHRAGG BHR team with the technical support of the DIHR as part of an ongoing collaboration on BHR between the two institutions, under the Responsible Business Conduct in Sub-Saharan Africa Project. The meeting restated the commitment of the Tanzanian Government toward the development of a NAP-BHR. Intended to be as practical as possible, the meeting comprised of live discussion, plenary sessions and group work on how best to develop a NAP-BHR, tailored to the specific role each stakeholder might play in advancing the process. To

this end, a participatory human rights-based approach was adopted, and participants were encouraged, by means of group work and exercises, to contribute their knowledge towards strategizing collectively on how best to advance the BHR agenda in both Tanzania Mainland and Zanzibar. The meeting concluded by setting engagement priorities for advancing the agenda and identifying key strategic entry points for NAP-BHR development.

## 1.2 Program

Time	Component	Speaker/ Facilitator
8:30-9:00	Arrival	
9:00-9:15	Welcome and Opening Remarks	CHRAGG
9:15-9:45	<b>Why NAP-BHR:</b> in this session the rationale for a NAP-BHR was explored, including by introducing the Tanzanian, regional and international context for NAP-BHR development as a key tool for promoting responsible business conduct	CHRAGG
9:45-10:30	<b>NAP-BHR good practices:</b> this session focused on exploring NAP-BHR good practices that the Tanzania process may draw from, with a particular focus on the governance structure and stakeholder engagement	DIHR
10:30-11:00	Morning tea break	
11:00-13:00	<b>Sketching a NAP-BHR process:</b> in this session participants were invited to brainstorm on key steps to be included in a NAP-BHR process, with a particular focus on the governance structure and stakeholder engagement	CHRAGG & DIHR
13:00-14:00	Lunch break	
14:00-16:00	<b>Next steps:</b> in this session participants were invited to reflect on potential challenges and opportunities for the Tanzanian NAP-BHR process, including to identify actions of how challenges might be overcome, and to map out the	CHRAGG & DIHR

	concrete next steps for the different stakeholder groups in the NAP-BHR process	
16.00-17.00	Close of day followed by afternoon tea	CHRAGG

### 1.3 Opening Remarks

The meeting was opened by CHRAGG Vice- Chairperson, Honorable Mohamed Hamad. He briefly explained adverse human right impacts emerging from business operations in the world, including in the United Republic of Tanzania. He presented on CHRAGG’s engagements on issues related to BHR since in 2017, including conducting the National Baseline Assessment (NBA) on BHR which shows the status of the implementation of BHR in Tanzania. The Vice Chairman also pointed to other engagements, including investigation on some corporate’s abuses of human rights in Kilosa, Tanga, Ruvuma in Mkwiju Uranium Projects and fact-finding missions held in various areas in Tanzania Mainland and Zanzibar.



CHRAGG’s Vice Chairman, Hon. Mohamed Khamis Hamad (*standing*) delivering opening speech during the one-day Multi-Stakeholder NAP-BHR Alliance meeting held at Holliday-In Hotel Inn Dar es Salaam on 30<sup>th</sup> August, 2022

He ended by calling on the participants to actively discuss and give their opinion on how the process towards development of the NAP-BHR can be achieved without leaving anyone behind.

## **2.0 SESSIONS AND INSIGHTS FROM THE MULTI-STAKEHOLDER NAP-BHR ALLIANCE**

### **2.1 SESSION 1: RELEVANCE OF NAP-BHR IN BUILDING RESPONSIBLE BUSINESS CONDUCT IN TANZANIA**

The first session was facilitated by CHRAGG, participants were given an overview of BHR. They were reminded that business operations should comply with the UNGPs regardless of the scope of operation either in size, sector or region. The vital role of multi-stakeholder engagement in developing a NAP-BHR was noted as a factor for determining the accountability and responsiveness of business. It was further pointed out that business activities bring about economic development which has positive impact in society, fostering improved livelihood which among other issues includes employment generation, technology and skills transfer, infrastructure provision and increased revenues.

However, the same activities might cause adverse impacts on human beings if conducted without respecting human rights. Some of the mentioned major impacts included infringement of environment, labor and land rights. Examples given were the negative impacts on accessibility of safe and clean water; noise and air pollution; inadequate environmental and social impact assessments; gender-based discrimination; unsafe and unhealthy working conditions; problems with pay (low pay, late or non-payment of wages, deductions from wages); and absence of parental leave and protection. Issues related to land grabbing; forced eviction; inadequate compensation for land acquisition; lack of consultation of communities in land use decision-making and a number of other adverse impacts were also noted, to



familiarize participants with key actual and potential adverse impacts of business operations.



Participants following presentation on the relevant on NAP in building responsible business conduct in Tanzania, the session was facilitated by Ms. Jovina Muchunguzi (*front standing*), CHRAGG focal person on BHR during the one-day Multi-Stakeholder NAP-BHR Alliance meeting held at Holliday-Inn Hotel in Dar es Salaam on 30<sup>th</sup> August, 2022

An overview of the UNGPs was given on the three pillars: the duty of the state to protect; the corporate responsibility to respect human rights; and access to remedy for victims of business-related human rights abuses. Participants were informed about the need to have a proactive approach in place for managing human rights risks effectively. It was further explained that the UNGPs provide a practical roadmap by clearly identifying the roles that government, civil society and businesses might play in advancing responsible business conduct. It was emphasized that in order to advance business respect for human rights, meaningful actions and engagements on human rights by all stakeholders are needed, to articulate the business case, to transform mindsets and ways of working across company value chains.

Participants were able to watch a video on the UNGPs which explained the three pillars of protect, respect and remedy showing key actors' roles across the pillars. The video also explained the role of each stakeholder, starting with the state role to protect human rights by putting in place policy, law and regulation to ensure protection and effective remedy; the business community role to conduct Human Right Due Diligence (HRRD) to prevent, mitigate and account for how they address adverse human rights impacts and to enable availability of effective remedies for the victims of corporate abuses; and lastly the civil society role on advocacy and monitoring the compliance of the UNGPs was also mentioned.

The session was concluded with explanation of the roles played by CHRAGG in advancing the BHR agenda in the country. To mentioned but few, CHRAGG conducted investigation of human right violations and monitoring the compliance of the UNGPs and other regional and international human rights instruments by businesses.

### **2.1.1 Questions and Answers**

Participants commented on the role of CSOs in advancing responsible business conduct in Tanzania by emphasizing that CSOs should work closely with both Government and businesses. The important role of CSOs in BHR research and advocacy, including by being critical of Government and businesses where needed, was also re-iterated as very important for driving the BHR agenda forward.

It was also advised that the expected developed of a NAP-BHR should clearly indicate the importance of establishing strong and effective grievance mechanisms that would address negative impacts of business conduct in a fair and timely manner.

## **2.2 SESSION 2: NAP-BHR PROCESS AND LEARNING FROM GOOD PRACTICES**

This session was facilitated by a representative from the DIHR. She outlined a five-step process for a NAP-BHR life cycle: (1) establish a governance framework for NAP-BHR; (2) conduct a National Baseline Assessment; (3) elaborate the NAP's scope, content and priorities; (4) implement, monitor and review the NAP; and (5) periodically update the NAP. The facilitator gave international NAP good practices and explained factors which might contribute to a successful NAP-BHR. Furthermore, the facilitator outlined benefits and challenges and an overview of the NAP-BHR processes in East Africa, namely Kenya and Uganda.

## **2.3 SESSION 3: BRAINSTORMING ON THE NAP-BHR PROCESS**

The presentation started by playing a 10-minute video which summarizes the key steps of the Kenya NAP-BHR process, showing the commitment of the Kenyan Government lead by the Attorney General, key successive steps, challenges encountered in the process and lesson learned. The session was designed in three group discussions as follows:

- i. Group one discussed and presented on reflections on lesson learned from the NAP-BHR processes of Kenya and Uganda;
- ii. Group two discussed and presented on governance considerations; and
- iii. Group three on stakeholder engagement.

Each group was tasked to list next steps that the NAP-BHR alliance should undertake in Tanzania, guided in part by lessons learned from Kenya and Uganda. A NAP-BHR Toolkit, sample NAP-BHR of Kenya and Uganda were provide to group members to be used for reference. Members of the groups reflected on the best practices from Kenya and Uganda and were tasked to map out what the key steps would be for successfully developing a NAP-BHR in Tanzania. Participants came up with the following findings and advice on how to go about developing a NAP-BHR in Tanzania.



### **2.3.1 Group One: Preparation Stage**

Firstly, to develop a concept paper on NAP-BHR which will assist to identify key priority themes, sectors, stakeholders, engagement and consultation process, as well as fundraising initiatives:

- i. Getting an official commitment from both governments (United Republic of Tanzania and the Revolutionary Government of Zanzibar) on initiation of the process of developing the NAP-BHR;
- ii. Engagement of a wide scope of stakeholders for the development of the NAP-BHR through the alliance and other networks; and
- iii. Updating the National Baseline Assessment (NBA) with further sector specific research.

The group mentioned some of the challenges that may hinder the process of developing a NAP-BHR as being:

- i. Inadequate fund which may delay NAP-BHR process;
- ii. Knowledge gaps about BHR among stakeholders; and
- iii. Lack of transparency on the process of developing NAP-BHR.

Nevertheless, members of the group suggested some solutions to the above challenges as hereunder mentioned:

- i. Organizing a wide range of funds from government, development partners, the business community and CSOs;
- ii. To integrate business and human rights in the Medium-term Expenditures Framework (MTEF) of all MDAs; and
- iii. To conduct awareness campaigns and capacity building among stakeholders on BHR generally and on NAP-BHR processes specifically.

### **2.3.2 Group two: Governance considerations**

On governance consideration and structure, group two had the following findings and suggestions:

- i. Ministry of Constitutional and Legal Affairs (MOCLA) and Ministry of State, President's Office, Constitution, Legal Affairs, Public Services and Good Governance (PCLPSGG) to solicit official government commitment towards development of a NAP-BHR;
- ii. It was also suggested to establish an Inter-Ministerial Technical Committee which may include key Ministries connect to BHR issues which will provide technical support; and
- iii. It was also suggested to establish a NAP-BHR National Steering Committee made by Permanent Secretaries from key ministries in connection with BHR issues.



Members of the group sharing and exchanging views on NAP Steps, during the NAP BHR Alliance Meeting. The one-day Multi-Stakeholder NAP-BHR Alliance meeting was held at Holliday-Inn Hotel in Dar es Salaam on 30<sup>th</sup> August, 2022.

### **2.3.3 Group Three: Stakeholder Engagement**

Group participants came up with a list of key stakeholders proposed from state actors and non-state actors, reflecting also on how they could be engaged in a NAP-BHR process based on their influence, power and interest and suggested solutions for the challenges as follows:

- i. The state actors/stakeholders to include Ministries from Tanzania Mainland and Zanzibar responsible for human rights, labor, trade and industries, environment, land and housing, mining, energy. Other ministries suggested were those responsible for agriculture, tourism and natural resources, livestock and fisheries development, regional and local government, community development, gender, women and special groups;
- ii. Furthermore, the participants gave a list of some important regulatory and administrative authorities under the above-mentioned ministries which have some power and influence to enable the development of a NAP-BHR. Some mentioned regulatory authorities were Occupational Safety and Health Authority (OSHA), Tanzania Investment Centre (TIC), Zanzibar Investment Promotion Authority (ZIPA), National Environmental Management Council (NEMC), Zanzibar Environmental Management Authority (ZEMA); Petroleum Upstream Regulatory Authority (PURA); Zanzibar Utilities Regulatory Authority (ZURA) and Mining Commission to mention few;
- iii. The non-state actor stakeholders included: Association of Tanzania Employers (ATE), Tanzania Private Sector Foundation (TPSF), Confederation of Tanzania Industries (CTI), Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA), Tanzania Women Chamber of Commerce (TWCC); national and international CSOs such as the Legal and Human Rights Centre (LHRC), Natural Resources Governance Institute (NRGI), Extractive Industries Transparency Initiative (EITI), SHIVYAWATA, Trade unions, and associations of vulnerable groups of women, children and people with disabilities.

- iv. The development of a community consultation and engagement plan was proposed, including to identify and categorize community members from different zones of the country, to reflect that their concerns and priorities might differ geographically.

#### **2.3.4 Group Four: Implementation**

- i. Solicit feedback from different engagements;
- ii. Develop a NAP-BHR draft;
- iii. Validation meeting of the drafted NAP-BHR by wide scope of stakeholders; and
- iv. Publish and disseminate the NAP-BHR.

### **2.4 SESSION 4: GROUP WORK DISCUSSION ON KEY STEPS FOR NAP-BHR DEVELOPMENT**

In this session, all three group were given similar questions related to key steps for the development a NAP-BHR in Tanzania in relation to preparations, governance structure, stakeholder consultation and implementation stages. Findings and suggestions emanating from the discussion were as follows:

- i. Participants reiterated the importance of having meaningful government commitment and full ownership;
- ii. They also proposed updating and supplementing the NBA-BHR to reflect current BHR trends in Tanzania;
- iii. Preparation of a concept paper as the roadmap towards development of a NAP-BHR;
- iv. In terms of the governance structure participants proposed that MOCLA and PCLPSGG take the lead, in the United Republic of Tanzania and the Revolutionary Government of Zanzibar respectively;
- v. It was suggested to establish a National Steering Committee to ensure effective engagement and coordination among relevant BHR state and non-state actors;

- vi. On stakeholders' consultation, it was suggested that stakeholders' analysis and mapping should consider influence, power and interest related to BHR which includes scope of mandate, financial muscles and expertise;
- vii. It was further opined that state and non-state bodies or authorities dealing with regulating, overseeing, licensing and promoting business activities in the country may be considered during consultation in developing a NAP-BHR; and
- viii. Lastly, it was suggested to conduct capacity building sessions on BHR and specifically on NAP-BHR processes for stakeholders and raise BHR awareness of communities.



*Participants catching feedback from each group on NAP Process and development during the one-day Multi-Stakeholder NAP-BHR Alliance meeting held at Holliday-In Hotel Inn Dar es Salaam on 30<sup>th</sup> August, 2022*

### **3.0 CONCLUSIONS AND RECOMMENDATION**

#### **3.2 Conclusion**

The multi-stakeholder alliance meeting gave preliminary insights and direction towards preparation of a NAP-BHR in Tanzania by bringing together a range of stakeholders who will be engaged and consulted during the process of preparing the NAP-BHR. The meeting has squarely shown the importance of consultations, engagement and transparency, as well as the importance of official Government commitment on a NAP-BHR process. The alliance meeting succeeded to create awareness of BHR and most importantly, to solicit stakeholders' inputs on the best way forward towards preparation of a NAP-BHR. In this regard, in addition to the suggestions and opinions mentioned herein above, the meeting came up with two major recommendations, below stated.

#### **3.3 Recommendations**

- i. Ministry of Constitution and Legal Affairs in Tanzania Mainland and the President Office, Constitution Legal Affairs, Public Services and Good Governance (PCLPSGG) in Zanzibar should take the lead for the government to issue an official commitment towards preparation of a NAP-BHR; and
- ii. Ministry of Constitution and Legal Affairs in Tanzania Mainland and the President Office, Constitution Legal Affairs, Public Services and Good Governance (PCLPSGG) in Zanzibar in collaboration with human rights stakeholders should establish a NAP-BHR National Steering Committee which will have the duty of coordinating all activities in the process of developing NAP-BHR.

**Acknowledgments:** The workshop was conducted as part of the [Responsible Business Conduct in Sub-Saharan Africa Project](#), made possible thanks to the support from the Permanent Mission of Denmark to the United Nations in Geneva. Responsibility for the content rests entirely with the Tanzanian Commission for Human Rights and Good Governance and the Danish Institute for Human Rights.