**1.Monitoring Environmental, Socio-Economic and Cultural Rights[[1]](#footnote-1)**

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| **Environmental Economic and Social Cultural Rights** | **Location of Right in the Constitution** | **Examples of Issues to monitor** |
| Right to a clean and safe environment | Section 73 | * Land degradation (open pits) * Dust pollution * Water pollution * Waste disposal |
| Right to language and culture | Section 63 | * Cultural heritage sites * Graves and Shrines * Rituals * Authority of traditional leaders |
| Right to freedom of profession, trade and occupation | Section 64 | * Ability to choose profession trade and occupation in the mining sector |
| Freedom from arbitrary  eviction | Section 74 | * Relocations (is there free, informed and prior consent) * Fair and adequate compensation (attention also to women and child headed families) |
| Right to shelter | Section 81 (1) (f) | * Adequate Housing for relocated communities * Compulsory acquisition of land by the state |
| Right to basic and further  education | Section 75 (1) (a) | * Number of schools * Teacher student ratio * Pass rates * Children accessing further education * Support offered to promote further education |
| Right to access basic health  care services | Section 76 (1) | * Number of health care centres * Number of qualified medical personnel * Availability to medicines * Referral systems |
| Right to receive emergency  medical treatment | Section 76 (3) | * Access to an ambulance * Availability of doctors on standby for emergencies * Access to emergency treatment and medicines |
| Right to sufficient food | Section 77 (b) | * Access to farming land * Ability to rear Livestock |
| Right to safe, clean and potable water | Section 77 (a) | * Water pollution * Boreholes providing clean water * Water borne diseases |
| Right to receive State funded  financial support by way  of social security and welfare | Section 82 © | * Access to National Social Security Authority offices * Time taken to access NSSA grants * Consistency of NSSA payments |
| Right to fair and safe labour  practices and standards and to be paid a fair and reasonable wage | Section 65 (1) | * Dismissals * Hiring policies * Grievance redress mechanisms * Levels of wages |

**2.Monitoring Corporate Social responsibility**

CSR are mainly activities carried out by business to address the adverse impacts of their operations. CSR arises out of the realisation that business does not operate in a vacuum. As organs of society, businesses are sanctioned and promoted by society. Without society, business will not make profits. It is society that gives business a “social license” to operate. In return for this “social license” society expects businesses to be good corporate citizens by carrying out their activities in a manner that does not adversely impact on human rights and when they do, by providing access to effective remedy. Furthermore, under the social contract, while mining companies must not just pursue profits but ensure that they do not harm the environment and social aspects of the communities. Thus CSR recognises that not only economic rationale is important to business but of equal importance are the social and environmental dimensions which should not be treated as opportunity costs. Social and environmental considerations must be tied with economic benefits.

**What to monitor on CSR**

* What issues are being addressed by the CSR initiatives
* CSR budget of mining companies
* Levels of consultations for decision making by the companies
* Reach and relevance of CSR
* Community levels of appreciating the CSR initiatives

**3.Monitoring Community Share Ownership Trusts CSOT/s**

CSOT/S were introduced through the Indigenisation and Economic Empowerment (General) Amendment) Regulations, 2010 (No.2) Out the sixty-one CSOT/S that were launched in Zimbabwe, Unki Mine was the first to honour in full the $10 million pledge towards CSOT/S. Other CSOT/S were paid in instalments whilst some are yet to receive the pledged funds. There are many lessons to be learnt on how to leverage CSOT/S for real Community Engagement and Development

**What to monitor**

* The status of the CSOTs
* Obligations of mining companies
* CSOTs investments
* Services provided through CSOTs
* Community participation in deciding on CSOT initiatives

**4.Monitoring Local enterprise development**

Local enterprise development is concerned about how the mining sector links with other sectors like agriculture and manufacturing sectors so that the money generated injects into the other economic sectors

**What to monitor**

* What businesses have developed because of the mining company
* What other sectors are benefiting from mining (e.g agriculture, industry etc at the local level)
* What opportunities exist for local businesses to do business with the mining companies
* What is procured from the local arears by the mining companies
* What investments is the mining company putting in place to support emerging local businesses
* Are there any local artisanal miners that are benefiting from knowlesge, skills and technology of large scale mining companies

1. While states are the primary duty bearers and therefore have the primary responsibility to promote, secure the respect and fulfilment of human rights, business enterprises also have a responsibility to contribute towards the fulfilment and promotion of human rights as set under the Constitution [↑](#footnote-ref-1)