Steep Rise in Allegations of Human Rights Abuse as Boom in Investment Brings Hope of Prosperity

Business and Human Rights in Eastern Africa: A Regional Briefing Paper

April 2014

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Executive Summary

Recent years have brought a boom in investment to Eastern Africa, fuelled in large part by new oil and other mineral finds, and demands for biofuels and other agricultural products. There is potential for these investments to help to fulfil economic and social rights by contributing to improvements in health, education and standards of living. But in many cases, these investments advance with disregard for the rights of the people most directly affected. This briefing paper reflects Business & Human Rights Resource Centre's work in Eastern Africa in recent years, highlighting civil society's concerns about cases where companies are implicated in human rights abuses. It focuses on the major business sectors in the region: mining, oil & gas, agribusiness, and the growing information & communications technology (ICT) sector. It also features examples where companies are making a real effort to improve and deliver.

We seek responses from companies to allegations of abuse and concerns of civil society. This encourages business to publicly address human rights issues. In some cases this process leads to dialogue between the company and stakeholders, and has even helped to bring about resolution of some issues. In all cases it has increased transparency. Many cases where we sought responses from companies in Eastern Africa are included in this briefing paper. The response rate for companies to concerns about their impacts in Eastern Africa has been 79%, over 82 times we have sought their responses since 2005. This indicates that many companies are at least publicly taking human rights issues seriously. Even among those that respond, however, their statements in many cases fail to address civil society's underlying concerns, and more work by all stakeholders is needed to address civil society's concerns.

We have noticed three recent trends:

1. <u>Jump in complaints about oil companies</u>: In Uganda, since work on a refinery, exploration and other steps to exploit the country's oil have begun in earnest, we have seen a five-fold increase in

complaints about the industry's local impacts (complaints to which we sought responses from companies in 2012-14, compared to the previous three years). If new oil finds in other countries such as Kenya and Malawi are not managed with greater transparency and community participation, we can expect to see similar concerns raised by local communities there, with possibilities of protests, violence and significant delays.

2. Skyrocketing complaints about agriculture sector: We have seen a six-fold increase in complaints about land rights, labour rights and other issues in agricultural production for food & beverage, biofuel and tobacco firms (2012-2014 complaints to which we sought responses, compared to the previous three years). Some firms have taken steps to address sexual harassment on tea plantations and exploitative child labour on tobacco farms. But local opposition and violent conflict helped stall a large biofuel project in Kenya in 2013. And Human Rights Watch has reported protests by people refusing to vacate their land for agricultural projects in Ethiopia, with deadly violence by security forces against some communities.

3. New risks – Information & communications technology (ICT) sector: Attention has focused on the role of technology firms in helping the Ethiopian Government engage in abusive surveillance of dissidents, domestically and abroad. The risk of complicity in such abuses is highest in those with a record of failing to respect privacy and freedom of expression – e.g., Eritrea, which the Committee to Protect Journalists named the "most censored nation in the world" in its most recent ranking. But ICT companies must avoid abusing human rights in all countries.

Besides these three sectors, the report highlights on-going concerns about the impacts of mining, including displacement of communities, violence against local residents, and pollution affecting water and health. These issues present a significant challenge to the ideal of mining as a force for socioeconomic development outlined in strategies such as the African Union's Africa Mining Vision.

All company responses that we have sought relating to Eastern Africa are available in the Annex.

The report also highlights positive steps taken by some companies, such as an initiative by Tullow Oil to train more Ugandans for employment in the oil sector, and commitments to human rights and respect for local communities and the environment by firms signing the Kenyan Code of Ethics for Businesses.

The briefing paper refers to Eritrea, Ethiopia, Kenya, Malawi, Somalia, South Sudan, Sudan, Tanzania and Uganda. Our work on Eastern Africa is primarily carried out by our Eastern Africa Researcher & Representative, Joseph Kibugu (based in Nairobi), who is the primary author of this briefing paper. This is not a comprehensive overview. It flags some major and emblematic issues, cases, developments and trends. For more detail see the Africa section of our website.

1. Introduction

This briefing paper highlights the main business and human rights issues in the Eastern African region. They include the impact of the growing oil and natural gas industry, large-scale agricultural investments, and the mining sector. It also identifies some instances where businesses have supported initiatives promoting human rights, including social, cultural and economic rights. Further, it broadly highlights legal and policy developments shaping business and human rights. It concludes with recommendations for companies and governments to better respect and protect international human rights.

The growing oil and natural gas industry has a huge potential to improve livelihoods but can be a source of conflict if these resources are mismanaged. Some of the prevalent concerns include transparency in revenue management, sharing of royalties with local communities, access to information, environmental degradation and lack of consultation with communities in oil-rich regions.

Tanzania, Malawi and Ethiopia, as part of the G8-led initiative to curb food insecurity, have committed to seek to attract agricultural investment, including with large land concessions. Critics say the initiative, and business-led investment in agriculture more generally, are unable to improve livelihoods of local subsistence farmers as they distort traditional farming systems. Communities often complain of lack of consultation with the local communities including indigenous peoples or their elected representatives in obtaining land.

Other prominent, recent concerns have included the alleged use of child labour in mines and on tobacco farms, and failure to obtain the free, prior and informed consent of indigenous communities by gold mining companies before commencing mining.

Some companies have been proactive supporting initiatives that promote social and economic rights including access to health and water, education and poverty reduction. However, in general, the level of consciousness on business and human rights is still low – as opposed to more general corporate social responsibility (CSR) and charitable initiatives by companies, which are often top-down and not based on internationally agreed principles that begin from the rights of the people affected. The UN Guiding Principles on Business and Human Rights offer a framework for business that help companies not only respect human rights but also offer appropriate grievance mechanisms for those affected by business operations. Regional governments must ensure their drive to welcome investors does not compromise their duty to protect human rights. Further, governments and companies should remove obstacles to access for justice for victims of business-related abuses.

2. Business and human rights concerns

a) Oil & natural gas

Over the last couple of years, the region has witnessed an unprecedented surge in oil and natural gas discoveries. Uganda has signed production agreements with oil companies, Kenya has yielded positive results in exploration, and Tanzania has discovered huge deposits of natural gas in the south and plans to construct a gas pipeline. South Sudan earns 95% of its revenue from oil-related activities. These developments have led to calls for their transparent revenue management to ensure that new oil finds realise their potential to transform the lives of east Africans.

In Uganda, communities in oil-rich regions where Tullow Oil and Total are planning to drill have decried lack of information about the oil development process and its impact on their livelihoods. Some farmers in oil-rich regions state that they are being inadequately compensated for destruction of their crops during oil exploration and displacement for petroleum operations; International Alert found dissatisfaction with compensation due to government and company secrecy about planned oil drilling, and the potential for the situation to escalate into violent local conflict. There have been reported displacement and destruction of cultural sites and alleged use of force against residents to attempt to lay claim to land rights. Even where compensation is paid, local people have not been adequately prepared for receiving the funds, and as a result are squandering them rather than using the revenues to develop their communities. In Tanzania's Mtwara region, residents violently protested the construction of a natural gas pipeline, and four died in clashes with police. Recently, Tullow Oil had to temporarily suspend activities in northern Kenya after protests by local communities concerned about lack of adequate consultation.

Huge revenue to national and local governments is expected once commercial oil & gas production gets underway. Transparency about payments by oil companies to governments and the use of those revenues, and access to information about contracts between companies and governments are major concerns in all the countries where oil has been found. In Uganda, government officials have stated its commitment to join the Extractive Industry Transparency Initiative. Global Witness and local NGOs such as Africa Institute for Energy Governance (AFIEGO) have long urged this step as necessary to ensure locals benefit from oil. AFIEGO and others raised concerns that secrecy of agreements with between the Ugandan Government and oil companies would allow benefits from oil revenues to enrich the elite rather than bringing broader prosperity. After we sought its response, Tullow Oil stated it was the government that elected to keep the contracts confidential, and that it preferred to reveal the terms as it had in other countries.

Since the discovery of oil, the Kenya Government has admitted that there is need to revise the current legal and regulatory framework regarding the management of the extractive industry in relation to transparency, compensation of communities, revenue sharing and general public participation. Academic experts and NGOs such as the Kenya Civil Society Coalition on Oil & Gas have urged the Kenyan Government to join the Extractive Industry Transparency Initiative to promote transparency and ensure that the public benefits from natural resources. The Institute for Human Rights and Business has undertaken a major project, the "Nairobi Process: A Pact for Responsible Business", in collaboration with the Kenya National Commission on Human Rights, aiming "to embed human rights due diligence through the application of the UN Guiding Principles on Business and Human Rights in the emerging oil and gas sector in Kenya." This initiative brings together both "major" oil companies and "juniors" (smaller exploration companies) that have oil and gas exploration licenses in Kenya "to address collaboratively key areas of human rights concern".

Tension between countries has been reported in areas with oil potential, most notably Sudan and South Sudan's border war, the dispute between Malawi and Tanzania over the ownership of Lake Malawi, and conflicts between communities on the Uganda-DRC boundary. Oil firms including CNPC have continued to operate in South Sudan during its conflicts; Harry Verhoeven of Oxford University warned, "To turn a blind eye to the war in South Sudan risks seriously hampering the legitimacy of Chinese companies to operate in the country." Other simmering border disputes in the region arising from potential oil finds include Kenya-Somalia over offshore drilling. Oil prospects have reportedly stoked inter-communal tensions in Kenya and a UN monitoring group warned that oil exploration could fuel further conflict in Somalia. During Sudan's civil war, Human Rights Watch published a "comprehensive examination…of the links between oil companies and human rights abuses", specifically "how the government has used the roads, bridges and airfields built by the oil companies as a means for it to launch attacks on civilians" and how "company executives turned a blind eye to well-reported government attacks on civilian targets, including aerial bombing of hospitals, churches, relief operations and schools." On-going concerns about the role of CNPC and PetroChina in human rights abuses in Sudan led to calls for JPMorgan Chase and other investors to sell shares in PetroChina; JPMorgan Chase has consistently opposed shareholder resolutions calling for divestment.

Other concerns include environmental health effects including gas flaring, and waste disposal processes threatening livelihoods and health. Further, there is a heavily disproportionate impact on women and children because of dominant patriarchal arrangements that give men an upper hand in property rights and claims for compensation. In Malawi, some have called for a referendum on oil exploration in Lake Malawi, given the damage that oil pollution could cause to the vital food resource of the lake's fish stocks.

b) Mining

Mining firms often have poor relations with nearby communities and in some cases these interactions can be violent and even deadly. For example, security guards at African Barrick Gold's mines in Tanzania raped and abused women, and guards and police used deadly force against local residents. As a result, the company set up an inquiry and later a compensation scheme for those whose rights had been violated. However, the credibility of the grievance and redress process has been questioned for lack of transparency. In response to these concerns, the company stated that confidentiality requirements were meant to protect the victims (further update by Barrick here).

In a rare glimpse into human rights in Eritrea, Human Rights Watch reported in 2013 that Nevsun Resources had used a local contractor that employed forced labour at its Bisha mine, and argued that due diligence measures would have uncovered this. In response, Nevsun stated that it had taken measures to ensure that "all who work at Bisha are there of their own free will"; Human Rights Watch called those measures "too little, too late".

A 2014 report by Human Rights Watch chronicled the risks to human rights of indigenous people of gold mining in northeastern Uganda's Karamoja region; it reported lack of free, prior and informed consent and warned of uncompensated displacement, and further impoverishment of people already facing malnutrition. East African Mining responded directly to Human Rights Watch's report. We invited two other companies involved to respond; DAO Uganda responded but Jan Mangal did not. Concerned over threats to food security, National Association of Professional Environmentalists (NAPE) formed a national coalition in Uganda in 2013 to help communities advocate for their rights.

Local people's opposition to mining is often related to its negative health impacts. Government officials have attributed the high incidence of malaria in Tanzania's Geita region to mining activities; AngloGold Ashanti, which has a large gold mine in Geita, has undertaken steps to combat malaria. A 2013 Human Rights Watch report raised concerns about the exploitation of children in artisanal gold mines in

Tanzania. The report detailed unsafe conditions including exposure to hazardous mercury and respiratory diseases.

Uranium and coal mining are major industries in Malawi. Paladin Energy recently denied allegations that it neglected a former worker who later died of complications from uranium exposure. Additionally, the Catholic Commission for Justice and Peace of Malawi recently urged authorities to audit water safety around uranium mines, to allay health fears of local people.

In a review of uranium contracts and revenue-sharing in Africa, the NGO SOMO concluded that the Malawi Government's revenues were lower than others, and that Paladin lacked transparency about its operations. We invited Paladin to respond, but it did not. The media and local human rights NGOs such as Centre for Human Rights and Rehabilitation say they have serious difficulty in obtaining information from the government and the mining companies about mining revenues and implementation of mining firms' commitments. There have been similar questions on lack of access to information on use of mining revenue in Tanzania.

Other concerns in Malawi include alleged non-compliance with safety standards at the mines, failure to pay adequate wages and the failure to compensate those displaced from their land. In response to some of these concerns, Eland Coal, claimed it was "operating in strict compliance" with the Malawian law.

In both Tanzania and Malawi, local communities feel they do not benefit from natural resources. The UN Special Rapporteur on the Right to Food recently raised concerns about the tax arrangements between Malawi and mining companies, claiming the country loses out on millions. Similar concerns have been raised by both religious groups and local leaders. Paladin Energy has maintained that it plays its part by paying substantial royalties, employing locals and funding development initiatives. It pledged to make its agreement with the government public to address what it sees as misunderstandings.

The Africa Progress Panel, led by Kofi Annan, has focused on the issue of tax avoidance by multinational companies, arguing that the practice that robs the continent of revenue that would be used to improve livelihoods. The panel has called on multinationals and governments to take appropriate measures to stop the practice.

c) Large-scale agricultural investments

Companies, governments and multilateral organizations are pushing African countries to make land accessible to foreign investors at low cost. Ethiopia, Malawi and Tanzania are part of the G8-supported New Alliance for Food Security and Nutrition, meant to end food insecurity in Africa by accelerating large-scale private investment in agriculture. However, critics of the alliance say it disregards the role of local farmers and could compromise the local communities' right to food. Steps taken to provide land to foreign investors have caused human rights violations including displacement, deaths, violence and arbitrary detention of local residents. Tanzania has signed off huge tracts of land for commercial investment – the 2.2 million hectares allocated to investors represent nearly a quarter of the country's arable land, according to the World Bank. A global NGO coalition has raised concerns that this will escalate conflict and cause food insecurity. A Tanzanian MP recently said that the government's participation in the G8's New Alliance project is "turning small farmers into mere labourers". Other concerns include the lack of consultation on the land deals by companies or the national government with affected communities, directly or through MPs or local officials.

In Ethiopia, there are widespread concerns about the human rights implications of the "Villagisation" scheme that involves evicting indigenous communities in the Gambella region to pave the way for agricultural projects, some by state-owned firms and some including foreign investment. Reported abuses include violence, killings, forced displacements, rape and other forms of sexual violence and arbitrary detention. The cultural rights of indigenous communities, displaced without their free, prior informed consent, have been compromised. Protests by local communities, and repression of protests by the government, have led to deaths of both locals and companies' employees. The US Congress recently initiated a bill to ensure US funds do not support forced evictions in Ethiopia. UK-based lawyers wrote to the UK Government in 2013, questioning foreign aid for Ethiopia's development projects in light of the reported abuses.

In Kenya, opposition to a jatropha farming project by Bedford Biofuels contributed to inter-ethnic violence between agriculturalists and pastoralists in which over 200 people died in 2012; the company pulled out of the project in 2013.

In Uganda, National Association of Professional Environmentalists (NAPE), international NGOs and local leaders from Kalangala Island report that an oil palm project is causing food insecurity, displacement without compensation and pollution of water sources. The palm oil consortium, Oil Palm Uganda, responded in the media, and Wilmar International, one of the principal shareholders together with Bidco Uganda, issued a statement defending the local benefits of the project. In another case decided in March 2013, the Uganda High Court ordered compensation paid to those evicted by the government to pave way for a coffee plantation by Kaweri Coffee. When we invited the parent company, Neumann Kaffee Gruppe, to respond to these allegations, it maintained that it acted with due care in reviewing how the land was acquired. The case is currently on appeal. Recently, some Sudanese farmers expressed fears that the ongoing large scale acquisition of land by foreigners for commercial agriculture may compromise their livelihood.

Sexual harassment and abuse of women have been reported on flower and tea farms in Kenya. In response to credible reports of sexual harassment on its Kericho plantation by Kenya Human Rights Commission, SOMO and others in 2011, and a 2013 documentary that indicated that the problem was on-going, Unilever has undertaken a new action plan to stop sexual harassment and strongly discipline the perpetrators.

Reports have detailed the frequency of abusive child labour practices on farms that supply international firms. A recent Al Jazeera documentary on tobacco farms in Malawi showed the severe health impacts of children handling tobacco and absorbing toxic quantities of nicotine through their skin. We secured responses from British American Tobacco, Japan Tobacco International and Philip Morris International, who denied complicity and affirmed their commitment to fight child labour in their supply chains.

d) Other concerns: ICT firms & freedom of expression, impacts of infrastructure, living wage

Technology can accelerate the enjoyment of human rights by enabling access to information. But if abused, it can compromise rights to privacy and freedom of expression and be used as a tool of repression. Human Rights Watch recently documented technology companies' role in providing the Ethiopian Government with surveillance capabilities used to quell political dissidents. ICT firms Hacking Team, Huawei and Orange responded directly to Human Rights Watch. We invited Finfisher, Gamma Group, Sinovatio and ZTE to respond; only Sinovatio responded to the allegations of complicity. Similar concerns exist about other countries in the region: The international NGO Access called on MTN and other companies to report on whether they shut down internet service at the government's request, during protests in Khartoum in September 2013. And the Committee to Protect Journalists recently ranked Eritrea as the "most censored nation in the world" in its most recent ranking.

A huge infrastructure project that will link Kenya, South Sudan and Ethiopia has been launched but there are fears it will ruin the livelihoods of pastoralists and fishing communities and that they will not be adequately compensated. In Uganda, the construction of an oil refinery in the Hoima area has led to the displacement of about 3000 families and loss of livelihoods. The government has compensated those displaced but local residents contested the adequacy of the compensation. Strategic Friends International, which is managing the relocation, compensation, and relations with the community, denied complicity in using security person to evict villagers from the proposed oil refinery site.

In one striking example of measures that governments are taking to attract foreign business, at the cost of providing real economic benefits to workers, Somaliland, the self-declared independent region of Somalia, has promised to foreign investors that there would be no minimum wage.

3. Positive initiatives by businesses

Businesses in the region have supported initiatives that promote economic, social and cultural rights. These include a Johnson & Johnson project with the Ethiopian Government to improve water and sanitation in schools. In Kenya, companies including Kenya Commerical Bank, Safaricom and Google mobilised to contribute and raise funds to help a huge section of the Kenyan population affected by famine in late 2011. Several businesses have also contributed to an initiative to eliminate child and maternal mortality. In Uganda, Tullow Oil won the Responsible Investor Award for its role in promoting education, health and infrastructural development, and has committed to train more locals to ensure they gain employment in the oil sector. Regional awards seek to promote responsible business practices in conservation of natural resources, fair treatment of workers, and community investment; recent winners include Sarova Hotels and Vodacom. The potential leverage of oil companies in resolving conflict has also been recognized by a call for businesses to participate in international boundary dispute resolution talks between Sudan and South Sudan.

Some companies and governments have more successfully addressed issues of compensation for displacement and other community benefits in the face of large business projects. In December 2013, a Kenyan MP effectively mediated between local community groups in Kitui County concerned about the impacts of a planned coal mine, and the company, Fenxi Mining Industry. Others have acted to increase extractive industry revenue transparency: Despite Uganda's current non-membership in EITI, Tullow Oil has indicated its willingness to disclose its payments to the government.

Under the auspices of the Kenya Association of Manufacturers, several companies signed a Code of Ethics for Businesses which spells out businesses' responsibilities to the community and the environment and commits companies to respect for human rights.

4. Lawsuits, law and policy developments

Increasingly countries are adopting legal frameworks to enhance transparency and allocation of revenues from natural resources, including Uganda and South Sudan. When Kenya discovered oil in 2012, there were fears that the legal regime was inadequate to regulate the industry and ensure that it does not fuel conflict within Kenya. The new constitution makes provisions for natural resource management and calls for community participation in the management of natural resources. It imposes human rights responsibilities on all entities including companies.

In Malawi, the Tenancy Labour Bill seeks to regulate tenancy arrangements between land owners and tobacco farmers, many of whom work in deep poverty; the bill seeks to protect the farmers, which would also help address the issue of child labour on tobacco farms.

In Tanzania, there have been calls for re-examine the regulatory framework in the mining sector to ensure that the communities reap maximum benefit. These include a proposed halt on uranium extraction pending policy and legislative changes, renegotiation of contracts and royalty payments terms with mining companies, and the banning of export of non-certified tanzanite, to boost revenue.

Courts are increasingly becoming a forum for those aggrieved by corporate conduct to seek redress, though legal and structural obstacles remain in a region where most people have limited understanding of the courts and their rights, and little or no access to legal services.

A lawsuit in Tanzania, against Tanzania Breweries and a subsidiary of Thomson Safaris, for alleged forcefully evicting Maasai defendants from their ancestral land, was dismissed in May 2013, then refiled in June 2013. The group of villagers has filed a case in the US courts, seeking to compel disclosure of information about the evictions from Thomson Safaris. In July 2013, a group of former miners at African Barrick Gold's North Mara mine in Tanzania filed a suit in the UK alleging failure by the company to control police in using excessive force. In Uganda in March 2013, a judge ordered Kaweri Coffee Plantation, a subsidiary of Neumann Kaffee Gruppe, to pay compensation for benefitting from alleged forced evictions to clear land that was then used for the plantation. The plaintiffs had alleged that Kaweri was complicit in violent evictions, abuse of local residents and destruction of their houses by the Ugandan military. An appeal against the judgment is pending. A lawsuit is on-going in Kenya against Kenya Pipeline Company by plaintiffs injured when a pipeline exploded in the poor Nairobi neighbourhood of Mukuru-Sinai, igniting a fire; about 120 died and over 300 were injured. And a Kenyan court in 2012 ruled that an anti-counterfeit statute was invalid because it limited access to essential drugs.

Legal and policy developments overseas will also shape companies' conduct in relation to disclosure of payments to governments, such as the Section 1504 of the US Dodd-Frank Act, which requires companies listed on US stock exchanges to disclose their payments for natural resources to foreign governments. The initial rules implementing this law were overturned by a US court; the US Securities and Exchange Commission (SEC) is currently drafting new rules. Global Witness, Revenue Watch, members of the US Congress, and a diverse group of investors have urged the SEC to issue strong disclosure requirements without loopholes. The American Petroleum Institute recommended that the data that individual companies disclosed to the SEC should not be public, due to concerns that publishing company-level data would harm natural resource firms' competitiveness. Following the adoption of the Dodd-Frank law, the European Union adopted requirements for oil, gas, mining and logging firms to disclose their payments to governments, broken down by country and by project. Anti-poverty and transparency activists cheered the move.

At the regional level, the African Union has articulated an Africa Mining Vision that puts "broad development objectives at the heart of all policy making concerned with mineral extraction", but that vision does not yet refer to the human rights of those affected. Although it acknowledges the importance of managing the impacts of mining on all stakeholders, it does not offer specific recommendations or tools on impact assessment and management.

The African Commission on Human and Peoples' Rights has a Working Group on Extractive Industries, Environment and Human Rights Violations, chaired by Commissioner Pacifique Manirakiza of Burundi. The Working Group is gathering data on issues such as current relevant legislation in African countries, and NGOs' activities on business & human rights in Africa. The Working Group has held several meetings with NGOs, most recently in May 2013. Commissioner Manirakiza's most recent report of his activities as Chair is here (scroll down to Part 2). NGOs interested in engaging with and supporting the Working Group have organised an online group to coordinate their efforts.

5. Guidance and recommendations

Recommendations for companies operating in Eastern Africa:

1. Adopt and implement a human rights policy based on internationally accepted principles
2. Commission independent human rights impact assessments, take findings into account in planning and implementing projects
3. Commit to seeking free, prior and informed consent of communities affected by projects
4. With workers, local communities and civil society, develop grievance systems that are accessible to workers and residents, comply with international human rights, and provide effective remedies
5. Take steps to follow decisions of the African Commission on Human and Peoples' Rights (ACHPR) and other regional bodies such as the East African Court of Justice, even if they are not directly binding on companies
6. Commit to practices and projects, in partnership with civil society and government, to support progressive realisation of economic and social rights, including policies on local employment and sourcing from local suppliers
7. Pay a fair share of taxes
8. Join the Extractive Industries Transparency Initiative (EITI); disclose payments to & contracts with governments, including non-members of EITI; commission and publish independent audits of quantities of minerals extracted

Recommendations for companies & governments in Eastern Africa:

1. Cooperate with the African Commission on Human and Peoples' Rights Working Group on Extractive Industries, Environment & Human Rights Violations
2. Join and implement the Voluntary Principles on Security & Human Right

Recommendations for governments in Eastern Africa:

1. Draft, adopt and implement National Action Plans to apply the UN Guiding Principles on Business and Human Rights
2. Adopt and enforce laws, in line with African and international human rights principles, to protect human rights, workers' rights and the environment, and protect advocates for victims of abuse
3. Require companies to meet high performance standards on local employment and sourcing.

4. Ensure that communities affected by natural resource companies receive fair benefit from government revenues
5. Join the Extractive Industries Transparency Initiative(EITI) and fully implement its requirements
6. Avoid treaties or agreements with companies that shield firms from compliance with improved protection of human rights and the environment
7. Ensure tax and royalty agreements with companies maximise revenues for social needs through open auctions and similar transparent processes
8. Ensure that judicial and administrative procedures provide effective, timely remedies that are accessible to workers and to communities affected by companies

It is particularly important that governments licensing exploration for oil, gas and other natural resources, but where natural resource extraction has not yet begun, undertake these measures proactively as steps that can help prevent abuse

Recommendations for other governments and intergovernmental organizations:

1. Link incentives in aid, trade and investment to respect for and protection of human rights in the business sector
2. Foster the development of civil society as a constructive and independent monitor
3. In the case of governments in "home" countries where multinationals are based, take steps to ensure access to remedies for victims of abuse involving these companies, if adequate remedies are not available in the countries where the companies operate
4. Close tax havens; enforce a register of beneficial owners of companies; and support automatic information-sharing between governments on corporate taxation
5. To the African Union: Integrate into the Africa Mining Vision guidance and incentives for respect for human rights by mining companies; for governments to protect their citizens' rights from abuses related to mining; and for the creation of remedies for those harmed
6. To the US Government and the G8's New Alliance for Food Security and Nutrition: Introduce requirements to protect the rights of users of land in Africa that is allocated for large-scale agriculture under this programme.

Recommendations for civil society:

1. Protect threatened human rights defenders, and seek international solidarity to embarrass repressive forces
2. Seek to support and increase local civil society's capacity to monitor and document companies' human rights impacts
3. Inform the African Commission on Human and Peoples' Rights, the UN Working Group on business & human rights, and other intergovernmental bodies, of gaps in protection from human rights abuses involving business

6. About Business & Human Rights Resource Centre

Business & Human Rights Resource Centre is an independent non-profit organization that encourages companies to respect and promote human rights, and avoid harm to people. It does this by advancing transparency and public accountability, and by empowering others to act. It provides the leading information hub on business & human rights: www.business-humanrights.org. The website tracks reports about the human rights impacts (positive & negative) of over 5000 companies in over 180 countries, and provides guidance tools and resources for all those working in this field. Our researchers are based in Brazil, Colombia, Hong Kong, India, Kenya, Lebanon, Senegal, South Africa, Thailand, UK, Ukraine and USA – soon also in Japan. Other than our Eastern Africa Researcher Joseph Kibugu, our other researchers based in Africa are Aliou Diouf (Francophone Africa Researcher, based in Dakar) and Nokukhanya (Khanya) Mncwabe (Anglophone Southern & Western Africa Researcher, based in Cape Town. Mary Robinson, former UN High Commissioner for Human Rights and President of Ireland, is Chair of the Centre's International Advisory Network. The Centre does not accept funding from companies or company foundations, in order to maintain its independence and to prevent any possible perception of a conflict of interest.

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