

37th Session of the Human Rights Council

Item 6: UPR - Zambia

Oral Statement

19 March 2018

Mr. President,

Franciscans International and the Extractive Industry Transparency Alliance in Zambia welcome the UPR recommendations calling for the protection of human rights and the environment in the context of extractive industries.

We appreciate Zambia's reiterated commitment under the UPR¹ to increase efforts to ensure effective governance of its natural resources. However, there are significant governance gaps that must be filled in order to counter the negative socio-economic and environmental impacts of extractive industries. Key governmental institutions involved in the management of natural resources are not adequately decentralised. They lack coordination, capacity and the resources to effectively assume their mandate. This makes it difficult for local communities to access the information necessary to make informed decisions and meaningfully participate in the governance process.

We regret that Zambia merely noted the recommendation put forward by the Netherlands² in this regard. We recall that the effective participation of communities affected by projects of exploration and extraction of natural resources on their land is not only required to comply with human rights obligations and principles but is also key to achieving sustainable development. Therefore, we recommend that the Government ensure meaningful community engagement, notably through the timely and comprehensive disclosure of project-related information, in an adequate and accessible form. Independent and thorough human rights impact assessments should be carried out before the start of the project, and at the different phases after.

The majority of local communities have been affected by a multitude of human rights violations and abuses due to mining operations in the Copper-belt and North-Western Provinces. In particular, communities have been deprived of their right to adequate housing, food and land, as a result of forced evictions. The State is obligated to ensure access to remedies and reparations to victims of human rights abuses committed by extractive industries. Therefore, we recommend that Zambia adopt specific legislation on development-based displacement, resettlement and compensation for affected communities, providing clear guidelines to prevent forced evictions and to ensure sustainable and adequate reparation including compensation when displacement is inevitable.

I thank you!

¹ A/HRC/22/13, 31 December 2012, Recommendation 102.68 (Namibia) "Strengthen the governance of natural resources to ensure, amongst others, their sustainable utilization" - accepted.

² A/HRC/37/14, Recommendation 131.57 "Engage in consultations with the concerned communities and ensure their participation in the decision-making process affecting them, through their direct involvement in the formulation and implementation of mining projects" (Netherlands).