

BUSINESS AND HUMAN RIGHTS IN ZAMBIA
HUMAN RIGHTS VIOLATIONS CAUSED BY
AGRICULTURE PRODUCTION, CEMENT
SECTOR AND PALM TREE PRODUCTION

Situation on the Ratification of International Instruments in Zambia Issue 1

- Expedite the process to ratify important international instruments relevant for the advancement of human rights in Zambia, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; (CEDAW) two Optional Protocols to the Convention on the Rights of the Child; (CRC) **(Recommendation made by Uganda)**
- Government of Zambia should continue the efforts to widen the scope of the 1996 Bill of Rights to include economic, social and cultural rights **(Recommendation made by Republic of Korea)**
- Continue to promote economic and social sustainable development, raise people's standard of living and lay a solid foundation for the enjoyment of all human rights by its people **(Recommendation made by China);**

New Developments

- The government of Zambia has not ratified, Optional Protocol to the CEDAW; two Optional Protocols to the CRC
- The government of Zambia has not made any efforts towards the widening of the 1996 Bill of Rights to include Economic Social and Culture Rights.
- In 2020 the poverty rate in Zambia was at 50 percent of the population, chronic malnutrition at 35 percent.

Recommendations – Issue 1

- To ratify the Optional Protocol to CEDAW;
- To Ratify the two Optional Protocols to the CRC
- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Situation on the Right to Food and Nutrition in Zambia issue 2

- Continue promoting the national human rights policies, especially in the field of economic, social and cultural rights, in order to improve the quality of life of its population, to alleviate the standard of living of the most vulnerable **(Recommendation made by Bolivarian Republic of Venezuela)**
- Redouble its efforts for effective governance of its natural resources in line with the Environmental Management Act No. 12 of 2011 **(Recommendation made by Pakistan)**
- Develop a national action plan on business and human rights and implement it together with the Guiding Principles on Business and Human Rights **(Recommendation made by Kenya)**
- Strengthen public policies to address economic and social challenges, particularly in the area of health, such as access to drinking water **(Recommendation made by France)**

New Developments issue 2

- Customary land of 250 ha belonging to 234 households was grabbed to build a cement factory in Masaiti Zambia. So far no compensation has been made and all 234 households do not have land to grow food.
- Mining activities in Masaiti by a Foreign Cement investment force some families around the area to temporarily relocate from their houses every day at 15:00/3 AM until such a time when the blasting is complete.
- In Mumbwa a European Agriculture Investment practices Casualization,
- Confiscating community livestock (cattle and goats) by a European Investment in Mumbwa and charging community members for any livestock found straying in their farm (Zambian Kwacha 500 USD 31 for each animal) put community members in financial distress and poverty

New Developments – Issue 2

- Threatening by the European Investment to evict some community members around their farm in Mumbwa put the community under pressure which could lead to give up their productive farming activities
- 76 households of Sankalimba, Namusalwa, and Kepi villages in Kanchibiya Zambia were forcibly evicted from their land of 73.9423 hectares by Zambian owned PALM oil investment. The land contained two burial sites, and a local River, Baka Baka River and adjacent to Bangweulu wetland
- The 76 households were not given land to build alternative houses and for farming activities
- The affected households were not adequately compensated for their cassava fields, water wells, houses and fruit trees

Recommendations – Issue 2

- The government of Zambia must strengthen protection against forced evictions in accordance with the criteria established by the Committee on Economic Social and Cultural Rights interpreted in line with UNDROP;
- The government of Zambia must amend the constitution to include explicit recognition of Economic Social and Cultural Rights including the right to food and nutrition, right to water and healthy environment,
- Government of Zambia should amend the guidelines and policy for assessment of compensation under the Ministry of Agriculture to ensure that criteria for assessment of compensation for affected persons under customary land should be the same with affected persons under state/titled land.

Situation on the Right to Water and Healthy Environment – Issue 3

- Make more efforts to preserve the environment when applying agricultural development and not to use internationally banned pesticides **(Recommendation made by Iraq)**
- Establish a regulatory framework for mining companies present on the territory in order to ensure that their activities do not harm the immediate environment **(Recommendation made by Senegal)**

New Developments

- Community members living downstream the Kabwashe River in Mumbwa reported that access to water has been severely limited since 2017, when a European Investment built dams upstream for its irrigation.
- In 2020, a Foreign cement company in Masaiti Limited blocked and diverted the Mwatishi River, resulting 241 households to loose their crops and income.
- A state owned Palm oil company is expanding its palm tree plantation in the Bangweulu wetland area. The Bangweulu is home to 50,000 inhabitants and large species of birdlife and animal species.

Recommendations- Issue 3

- The government of Zambia must strengthen governance of water resources and restrict business from suppressing community rights over water resources
- The government of Zambia must amend its Laws to ensure punishments for violating water resources include not only penalties to the state but also to include compensations to affected persons
- The Zambian government should ban pesticides and herbicides which are banned in other parts of the world and put in place mechanism to monitor and regulate usage of pesticides and herbicides
- End Thank you