



Effectiveness of Operational Level Grievance Mechanism: Lessons from Kabanga Nickel Project in Ngara District, Tanzania

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January 2026

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ACKNOWLEDGEMENTS:

This report was written by BHRT as part of the ‘Supporting a Just Transition Through Responsible Business Conduct in Africa 2024-2027’ project, made possible thanks to support from the Swedish International Development Cooperation Agency (Sida).

The project is implemented by a Consortium of the Danish Institute for Human Rights (DIHR), the Zimbabwe Environmental Law Organisation (ZELO), HakiRasilimali, the Centre for Environment Justice (CEJ) and African Resources Watch (AFREWATCH). We would like to thank Jessica Lerche for her assistance with editing the report.

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EXECUTIVE SUMMARY

Business and Human Rights Tanzania (BHRT) is a non-governmental organization dedicated to promoting adherence to legal and human rights in the business sector in Tanzania. Despite various interventions and efforts undertaken by stakeholders to promote respect for and protection of human rights within the corporate sector, significant corporate harms persist in Tanzania. This calls for more strategic interventions that, importantly, include advocating for the United Nations Guiding Principles on Business and Human Rights (UNGPs) to be integrated into the policy, legal and institutional frameworks that govern the business sector.

In the context of business and human rights ‘access to remedy’ refers to the mechanisms and procedures established to ensure that communities or individuals adversely

affected by business operations can seek and obtain redress. Access to remedy is a core component of the UNGPs, both in the context of the state duty to protect human rights and of the corporate responsibility to respect human rights¹.

Established in 2011, the UNGPs emphasize the crucial importance of operational-level grievance mechanisms (OGMs). An OGM is a formalized process designed to address complaints and concerns raised by individuals or groups adversely affected by a company’s operations. OGMs are a tool that provides timely identification and resolution of emerging grievances in business conduct. They are local, cost-free and promote accountability. If well designed and implemented, they have the potential to strengthen accountability, transparency and trust between communities and operating companies.

Tembo Nickel Corporation (previously known as Kabanga Mining Company) has been operating in Tanzania since 1980, holding mineral rights and engaging in various activities entailing land acquisition and resettlement. These operations have generated significant social impacts, both current and historical. Tembo Nickel’s longstanding presence in the region was a key factor in initiating this assessment in order to understand how its OGM has evolved over time and document key lessons that can support continuous learning for companies establishing new operations in similar contexts.

The assessment aims to identify opportunities for strengthening responsible business conduct (RBC) at the site, to identify any gaps in the OGM, and to suggest concrete opportunities for improvement.

It does so by evaluating the mechanism against the eight effectiveness criteria for OGMs outlined in the UNGPs, namely that an effective OGM is: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and is based on dialogue and engagement.

The assessment deployed a series of iterative methodologies including: key informant interviews; one focus group discussion; consultation with officials from local government authorities and the Tembo Nickel Project; observational methods while in the field; and informal discussions with local residents at various service points.

Based on the eight effectiveness criteria for OGMs provided by the UNGPs, the assessment highlights the following:

Legitimacy. Tembo Nickel describes its OGM as an independent governance framework designed to operate without interference from any external parties, thereby promoting the fair resolution of grievances. There is a referral committee comprising external actors from faith institutions, community representatives and local government actors who oversee the OGM and act as an appeal forum. However, most respondents expressed uncertainty about the grievance mechanism. This has led to a lack of trust and respect for its operational integrity.

Accessibility. Two community relations offices have been established to address grievances related to daily operations. However, the one located at the extraction site requires an entrance permit and the other is 32kms distant, which hampers access. The physical setup of the offices is unwelcoming, with no designated waiting areas. A toll-free number and suggestion boxes to lodge



grievances are made freely available, but lack of follow-up was widely reported.

Predictability. While the Tembo Nickel administration maintains that its grievance mechanism is both predictable and trustworthy, community feedback highlighted uncertainty about the steps of the remedy-seeking process. Constant changes to the toll-free number operators resulted in disengagement from the process. Community respondents reported a lack of communication regarding status of grievances submitted through the suggestion boxes.

grievances submitted through the suggestion boxes.

Equitability. Respondents pointed to a significant disparity between addressing community needs versus project demands. The majority were unaware of the process to access remedies, implying that not all parties involved had equal access to necessary information, guidance and expertise.

Transparency. The findings highlight a lack of transparency. In particular, community members reported issues with the provision of information and feedback regarding the status of their complaints. This is underlined by a gap in the provision of relevant data.

Rights-compatible. Compensation practices are an area of concern, with the majority of respondents indicating that the compensation for land

acquired by Tembo Nickel fell short of current market values and that this has hindered their ability to secure alternative, similarly sized plots of land. Meanwhile, the small number of high-status participants deemed their compensation adequate, allowing them to invest in modern housing and motorcycles. This disparity highlights a pressing need for fair and equitable practices in land acquisition compensation.

A source of continuous learning. Tembo Nickel OGM needs to adopt more learning, such as to establish clearly defined timelines, track every case, publish resolution statistics quarterly, and facilitate appeals to an independent avenue when local mechanisms fail. Additionally, they need to put in place systematic measures that include analysing the frequency, patterns and underlying causes of resolved grievances to identify areas for improvement.

Community engagement and dialogue. Most respondents noted that they do not understand the process, partly because of low participation by community stakeholders. The mechanism suffers from lack of feedback and slow responses to grievances. Lack of full community inclusion in the development process also hinders effectiveness.



CHAPTER ONE: INTRODUCTION

1.1 Objectives and scope

This report presents the findings of an assessment of the operational-level grievance mechanism (OGM) at the Tembo Nickel Project, operated by the Tembo Nickel Corporation in Ngara district, Kagera region, Tanzania. The evaluation is guided by the eight effectiveness criteria for non-judicial grievance mechanisms outlined in the United Nations Guiding Principles on Business and Human Rights (UNGPs). According to principle 31 of the UNGPs these criteria stipulate that effective OGMs should be:

a) Legitimate – enabling trust from the stakeholders for whose use they are intended and being accountable for the fair conduct of the process.

b) Legitimate – enabling trust from the stakeholders for whose use they are intended and being accountable for the fair conduct of the process.

c) Accessible – being known to all affected stakeholder groups, providing assistance where relevant.

d) Predictable – clear and known procedure with an indicative time frame, clarity on types of processes and outcomes they offer.

e) Equitable – seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise.

f) Transparent – keeping parties informed about progress and providing information on the mechanism's performance.

g) Rights-compatible – outcomes and remedies accord with internationally recognized human rights.

h) A source of continuous learning – identifying lessons for improving the mechanism and preventing future harms.

i) Based on engagement and dialogue – consulting with stakeholder groups for whose use they are intended on design/performance and focused on dialogue to resolve grievances.

The UNGPs emphasize the importance of OGMs as a crucial element of the corporate responsibility to respect human rights. An OGM is a formalized process designed to address complaints and concerns raised by individuals or groups adversely affected by the company's operations. If well designed and implemented, an OGM has the

²<https://lifezonemetals.com/what-we-do/>, accessed 8 July 2025.

³ <https://www.mining.com/kabanga-tanzania-to-develop-worlds-largest-nickel-deposit/>

potential to strengthen accountability, transparency and trust between community and operating company.

The objectives of the assessment were to:

- A. Assess the company-level grievance mechanism at Tembo Nickel against the UNGPs effectiveness criteria,
- B. Identify existing effectiveness gaps in the OGM and areas for improvement,
- C. Provide recommendations for improvement of the Tembo Nickel grievance mechanism.

The Tembo Nickel Project was selected as the study site because it has been present in the region for more than forty years, engaging in mining processes and operations that have potential adverse impacts on the

community and environment. Tembo Nickel's longstanding presence was a key factor for selecting it, as it allows for an understanding of how its OGM has evolved over time and for the documentation of key lessons that could support continuous learning for other companies establishing new operations in similar contexts

Tembo Nickel has been operating in the area since 1980, holding mineral rights and engaging in various activities, including land acquisition, compensation and resettlement. Over the years these operations have generated both current and historical concerns and grievances. Given the significant social impacts of its activities, the company has consistently emphasized, through its sustainability reports, that it operates in harmony with the community and other stakeholders. The present assessment was deemed necessary to

evaluate the company's OGM and its effectiveness at addressing human rights concerns related to the operation.

1.2 The Tembo Nickel Project

The Tembo Nickel Project, operated by Tembo Nickel Corporation (previously known as Tembo Mining Company) is located in Ngara district, one of the seven districts that comprise Kagera region in northwestern Tanzania. It is situated 130km southwest of Lake Victoria. The project encompasses six wards in Ngara: Bugarama, Bukiro, Muganza, Rulenge, Mbuba and Keza.

According to the 2022 population census, Ngara district has a population of 383,092 (181,133 males and 201,959 females), with a growth rate of 0.9%. Ngara district

⁴The announcement was made on 13 May 2025 by Chief Executive Officer of Lifezone Metals, Mr Chris Showalter in a consultative meeting chaired by the Minister for Minerals, Mr Anthony Mavunde. <https://thebizlens.co.tz>, accessed 11 July 2025.

council ranks third in population compared to other districts of the region. The Ngara district ecosystems, where the Tembo Nickel Project is situated, are home to a diverse array of plant and animal life.

A large deposit of high-grade nickel sulphide was first discovered in Ngara in the early 1970s. Subsequently, small explorations took place at the site until 2007 when a significant exploration and production plan for high quality and high-grade nickel, copper and cobalt was set out with joint investment by Xstrata Nickel Investment and Barrick Gold. The joint venture aimed at building a refining and processing facility near Lake Victoria.

The Tembo Nickel Project was formerly owned by Barrick Gold and Glencore. Barrick Gold carried out

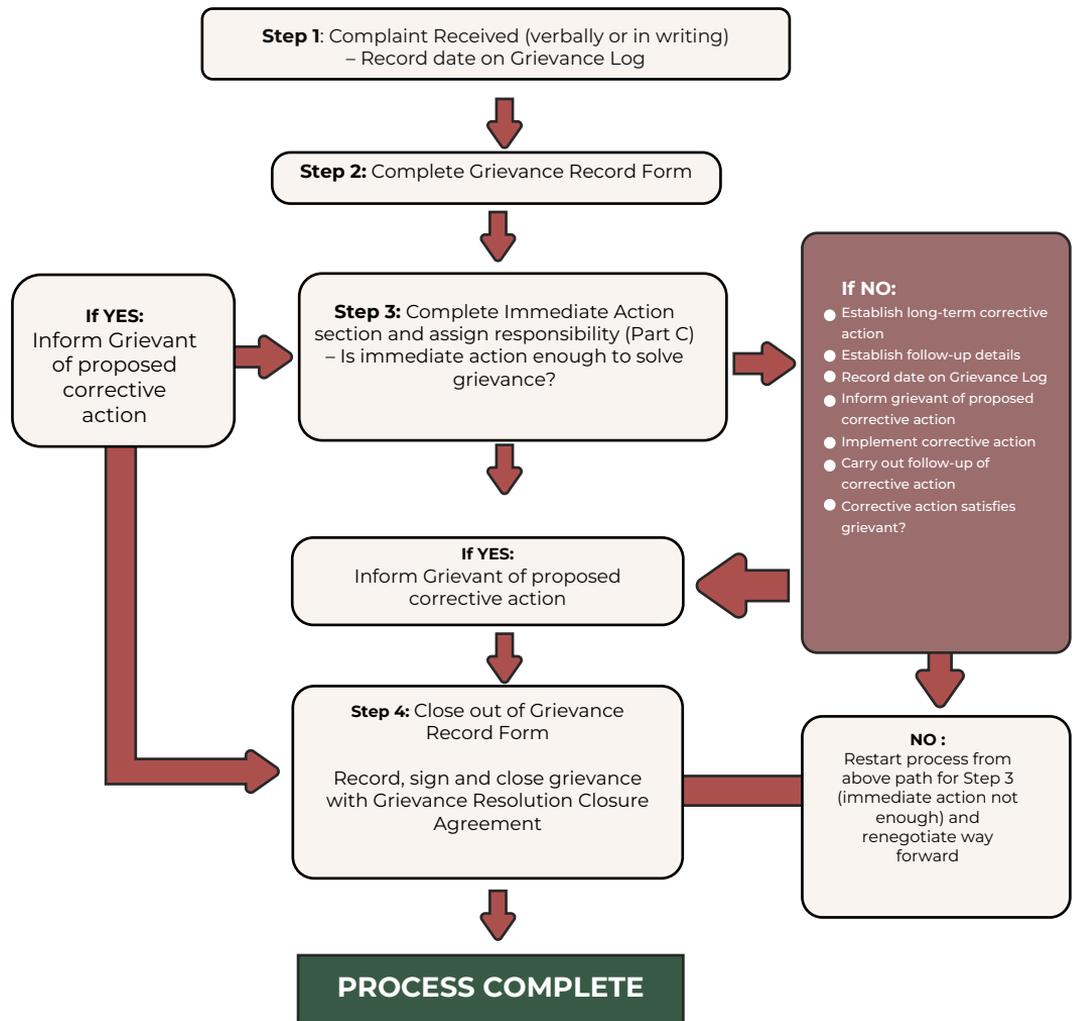
the exploration and acquired a retention license. In 2018 the Tanzanian Government revoked the retention licenses of several mining projects, including that of Barrick Gold, as part of a broader regulatory overhaul. Following this, Tembo Nickel (a British company, formerly LZ Nickel) entered into a framework agreement with the Tanzanian Government to take over and develop the project. The government awarded Tembo Nickel a special mining license under the framework and Tembo Nickel was registered as a Tanzanian company created to mine, process and refine nickel, cobalt and copper from the Tembo deposit. The Government of Tanzania holds 16% of Tembo Nickel, consistent with its stake in other mining ventures. Barrick Gold no longer has a direct stake in Tembo Nickel or the Tembo Nickel Project. Tembo Nickel acquired project data and feasibility

studies from Barrick and Glencore, indicating a transfer of intellectual and technical assets.

The Tembo Nickel Project officially commenced extraction in 2021 but the process was halted in 2022 to allow for the government to fulfil its intention to strengthen the foundational legal and regulatory frameworks. The closure created a responsive opportunity both for the public and for private corporations. The amendments to the Mining Act of 2010, enacted through The Written Laws (Miscellaneous Amendments) Act of 2017, aim to promote significant technical and procedural changes in Tanzania's mining sector through vital reforms to raw minerals storage, transportation, government royalty rates, the beneficiation process and community involvement in the industry.

⁵Tanzania Tembo Nickel Corporation Limited Project to Start Operations Soon - Tanzanialvest

⁶Ministry of Minerals - Republic of Tanzania



Finally, if the complainant remains dissatisfied with the outcome provided by the committee, they are encouraged to leverage judicial mechanisms. According to the Tembo Nickel interviewees the use of this structure ensures that all complaints are addressed fairly and equally while maintaining transparency and accountability throughout the process.

Picture 1. Tembo Nickel grievance mechanism structure, source:

https://cityengineering.co.tz/wp-content/uploads/2025/06/KABANGA-NICKEL-MINE_PUBLIC-DISCLOSURE_ENGLISH-VERSION-REPORT-2025-1.pdf

According to Tembo Nickel, a large extraction programme is set to begin in October 2025. When production resumes at the site the project will focus on mining and processing high-grade nickel, cobalt and copper. A nickel refinery is being established in Kahama in Shinyanga region to process the extracted minerals domestically, in line with Tanzania's strategy to increase local beneficiation and value addition. According to the Ministry of Minerals, the Tembo Nickel Project hosts an estimated 1.52 million tons of nickel and is projected to have a minimum life of 30 years, with potential for further extension through ongoing exploration. The Tembo Nickel interviewees stated that the refining process will utilize hydrometallurgical processing technology. This method is expected to be more cost-efficient than traditional smelting techniques,

resulting in significantly lower emissions of harmful carbon and sulphur dioxide, enabling the production of high-quality nickel.

The project vision is to establish itself as a leading producer of high-quality refined nickel in East Africa, while making a steady contribution to national economic growth and individual livelihoods. The Tembo Nickel Project in Ngara has been a longstanding endeavour, with its impacts unfolding gradually over time. However, the historical vision contrasts starkly with current reality: many community members struggle to see concrete socioeconomic benefits. The project's presence, especially for nearby villages, has not resulted in notable improvements in residents' living standards, who continue to endure severe poverty. Critical public social services such as clean water, modern healthcare centres and

quality schools remain unavailable in several villages. Consequently, many people continue to live in poorly constructed homes without basic necessities such as water and electricity.

1.3 The Tembo Nickel operational-level grievance mechanism

Tembo Nickel has implemented a framework for stakeholders (individuals or groups) adversely affected by its Tembo Nickel Project operations to formally report human rights abuses and pursue appropriate remedies as provided by the UNGPs. The Tembo Nickel grievance mechanism, like other non-judicial mechanisms, operates as a supplement to judicial proceeding.

The key components of the OGM include a community relationship office that has the mandate to

coordinate the implementation of the mechanism. There are various reporting methods. These include two walk-in community offices to register complaints; a toll-free phone line provided for stakeholders to report grievances, and the company has also established numerous suggestion boxes at all the business/market centres, aimed at facilitating feedback and communicating grievances from community members. The suggestion boxes are opened weekly by a team of three that comprises the community relations officer, security officer and a community representative.

According to the Tembo Nickel interviewees the project has established a complaint management system designed to ensure effective handling of grievances brought before them. Initially complaints can

be submitted through various channels, including phone calls via the toll-free number, the suggestion boxes, written letters, or in-person submission of the complaint to the community relations offices. Through this mechanism the company receives, identifies and resolves grievances from the communities surrounding the project that are impacted by it. It provides a channel for affected stakeholders to voice their grievances and seek resolution through dialogue and negotiation, rather than through a formal legal channel.

Upon receipt, each complaint undergoes an assessment to determine its validity. If deemed valid the complaint is resolved within 30 days and the complainant is informed of the outcome. Conversely, if a complaint is found invalid, the complainant is notified

accordingly and advised to pursue an alternative dispute resolution mechanism if found appropriate.

According to the company interviewees, should a complainant find the resolution by the OGM unsatisfactory, the case is referred to the higher, internal grievance resolution team formed by heads of departments including the general manager. If the resolution is still unsatisfactory to the complainant, the grievance is referred on to an independent grievance committee made up of representatives from the office of the district council, the ward office and religious leaders. The committee's role is to act as an independent referral mechanism for issues reported through the OGM, with broader engagement aimed at fostering common understanding and redress.

CHAPTER TWO: METHODOLOGY

2.1 Methods of data collection

The research methodology encompasses a systematic process to generate the information needed for this assessment. Business and Human Rights Tanzania (BHRT) implemented a range of data collection methodologies that included direct interviews with communities affected by the Tembo Nickel Project; a focus group discussion; interviews with key informants; observation and informal engagement with the local community.

2.1.1 One-to-one interviews

To capture grassroots-level experiences and concerns from Rulenge, Bukirilo, Bugarama and Muganza

wards direct interviews were conducted with 28 community respondents comprising community members, paralegals and members of civil society organizations (CSOs). The CSO members and paralegals were a key target as most of them have been proactive in the region, engaging in initiatives aimed at assisting the community to seek remedy for adverse impacts associated with mining activities.

Some of them also participated in the development of the Tembo Nickel OGM, while others are residents who are directly affected by the company's operations. Interview guides were prepared by BHRT to guide the one-to-one interviews. The questions were designed to gain insights into

the interviewees' understanding of the OGM, as well as to elicit information that could shed light on the OGM's effectiveness. Each category of respondents was given a different questionnaire to guide them.

Interviewees who were victims of Tembo Nickel operations were found through BHRT and the village government offices where the field team went to introduce themselves as part of seeking approval to conduct this assessment in the area. Through those identified by the village offices, the field team were able to find other victims and conduct further interviews (snowball sampling).

2.1.2 Focus group discussion (FGD)

A focus group discussion (FGD) was conducted with five participants to explore collective community insights. The FGD targeted youths, who are directly impacted by the project activities. They are a key target group in the company's land-related interventions due to their limited ownership of land and heightened vulnerability to decisions involving compensation and resettlement.

Their lack of formal land rights often leaves them excluded from critical processes, making it essential to capture their perceptions and experiences. Moreover, understanding whether young people are utilizing the grievance mechanism to assert their rights was crucial in evaluating the effectiveness of these systems.

The FGD revealed the importance of inclusivity in the design and operation of the OGM to ensure that youth voices are not only heard but actively shape the mechanisms intended to protect them.

2.1.3 Key informant interviews

Key informant interviews (KIIs) were held with 12 key informants. This included engagements with five representatives from Tembo Nickel, who referred the field team to senior management for further consultation regarding some specific questions asked. The other seven KIs were drawn from local government authorities across Bukiro, Bugarama, Muganza, Rulenge and Mbuba Wards. Furthermore, the field team engaged with the Office of the Regional Administrative Secretary, the Office of the District Commissioner, the District Security Office

and the District Administrative Secretary to incorporate regional and district-level administrative perspectives into the study.

2.1.4 Field observation

While in the field the BHRT team observed and recorded behaviours, events, and phenomena. This method was mainly qualitative, and generated valuable insights into the human rights landscape from the perspective of the Tembo Nickel OGM. In addition, the field team also engaged in informal conversations with various people at the local community service points such as markets, restaurants and transport hubs to gather further insights and impressions of how the community is benefiting or being hampered by the operations of the company.

2.1.5 Literature review

The literature review consists of data gathered from selected secondary materials from Tembo Nickel, including the Tembo Nickel sustainability reports; from scholarly publications, newspapers and social media platforms as well as from other sources reporting relevant issues related to human rights and access to remedy for victims of human rights abuses resulting from company operations.

2.2 Data collection team

The BHRT field team was made up of two persons. The fieldwork lasted two weeks and took place in March 2025. The team was based in Rulenge town, located approximately 35 kilometres from the mine site, where hotel accommodation was available. The team hired a car, and

in areas inaccessible by vehicle, they resorted to using motorbikes. The fieldwork followed a predetermined schedule beginning at the regional level with a visit to the Regional Commissioner of Kagera, followed by engagements at the district level with the District Commissioner's office, District Administrative Secretary and District Security Officer. The team then proceeded to the ward level, covering Rulenge, Bukirilo and Bugarama before concluding their activities at the village level in Muganza which is within Muganza ward.

2.3 Limitations of the assessment

The field assessment faced some limitations, including difficulty in accessing some information, which led the team to supplement respondents' input with relevant secondary sources such as company

sustainability reports among others. Secondly, engagement with the company was hindered by long procedures, requiring the team to navigate lengthy and strict protocols to secure appointments. Additionally, the poor road conditions were a significant challenge. The field visit took place during the rainy season and the community's involvement in agricultural activities in the morning hours limited accessibility, prompting the team to schedule engagements in the afternoons as a mitigation measure.

CHAPTER THREE: ASSESSMENT FINDINGS

The community indicated awareness and understanding of the presence of the OGM and its purpose and use for resolving community grievances. Of the 35 individuals interviewed (7 local government and 28 community and paralegal members), 32 said that they were aware of the existence of the Tembo Nickel grievance mechanism and mentioned the toll-free number and the suggestion box as some of the methods of using the mechanism. Only three of those interviewed were not aware of the existence of the grievance mechanism.

However, despite the high awareness of the mechanism, which included knowledge about the methods of reporting or complaint submission,

there was significantly low awareness or appreciation of the overall structure of the grievance mechanism and how it works i.e. governance and oversight, timelines, complaint follow-up, reporting and communication.

In terms of community engagement and inclusion in developing the OGM, the assessment found that there was minimal involvement from community members, which heightens the risks to wider acceptance and increases the challenge of recognition, trust and understanding of its structure.

Specifically, 25 of 28 community respondents reported that they were inadequately engaged during the

development of the OGM, which limited their understanding of it, while the remaining three respondents affirmed that they had some level of engagement. These assertions differ from those made by Tembo Nickel, which insisted that community members were actively engaged and empowered throughout the process.

3.1 Analysis of the Tembo Nickel OGM against the UNGP effectiveness criteria

The UNGPs outline eight effectiveness criteria for non-judicial grievance mechanisms to determine how well a grievance mechanism is performing in practice, and its success at resolving grievances and providing effective remedies. These criteria,

found in principle 31 of the UNGPs, serve as a benchmark for designing, assessing and improving grievance mechanisms. The criteria are that an OGM should be: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue.

The following section presents a detailed analysis of the Tembo Nickel OGM, evaluated against the eight criteria established by the UNGPs.

3.1.1 Legitimacy

Legitimacy involves ensuring fair proceedings and processes that build trust among the users of the mechanism. The mechanism should be sufficiently independent of business operations and administered by qualified personnel. It conveys the

idea that the mechanism is worthy of support and that there are no objective reasons to challenge its existence and mandate. It should be authoritative, trustworthy, respectful, fair, and uphold gender parity.

Tembo Nickel describes its OGM as an independent governance framework designed to operate without interference from any external parties who are not part of the resolution team, thereby promoting the fair resolution of grievances. For example, Tembo Nickel has established two community relations offices to act as the main internal structure for ensuring implementation of the OGM.

There is also a referral committee comprising external actors from faith institutions, community representation and local government

to oversee the OGM and act as an appeal forum. To enhance independence and legitimacy of the appeal processes, the company is not part of this committee. However, feedback from the community indicated that the majority of respondents are uncertain about the legitimacy of the mechanism. This scepticism stems from a lack of awareness regarding its operations related to a lack of consultation during its design and testing, and difficulties among its users in understanding the process and structure of the grievance mechanism.

The question of the professionalism of the personnel managing the toll number reporting system and the suggestion boxes arose, as victims lacked feedback and continuity of their grievances. They are required to repeat reported issues each time the

toll number operator changes, which happens as per Tembo Nickel employees job rotation setups. This raises questions about the qualifications and the professionalism of the team handling this process, as well as concerns regarding trust and the fairness of the process.

3.1.2 Accessibility

Accessibility includes that the user should understand and recognize the existence of the OGM, its purpose and its potential benefits. Users should possess a clear understanding of its functionalities and have seamless access to lodge grievances through user-friendly avenues. The mechanism should enhance accessibility by mitigating all barriers that may impede victims' access, such as eliminating time limitations, creating a friendly environment,

simplifying reporting tools, and reducing costs.

Although Tembo Nickel has established an OGM, its effectiveness and relevance is called into question by community members. Two dedicated community relations offices have been set up to address grievances related to the company's daily operations. One is located at the extraction site, facilitating direct access for stakeholders, while the other is in Rulenga town, approximately 32 kilometres from the main extraction area.

The observations of this assessment showed that the long distance to access the community relations office in Rulenga make physical access difficult both in terms of time and cost-effectiveness, therefore hindering the community's access to

the mechanism. Moreover, when considering distance, community members from the villages affected by the Tembo Nickel Project in Bugarama, Bukiro and Muganza cannot confidently walk from their villages to the Tembo Nickel main plant where the other community relation office is situated.

Furthermore, the community relations office at the Tembo Nickel site is located within the management and operational facilities, which are subject to strict security protocols. These measures can create barriers for individuals wishing to submit grievances.

Despite these observations by the field team, the majority of the respondents interviewed by the BHRT field team (29 out of 35) were of the view that the mechanism in place is accessible given the presence

of the tools such as the suggestion boxes installed in the communities and the toll number used for reporting the incidents. The remaining six respondents disagreed.

The project relations office is situated within a shared office environment, which may inhibit community members from freely submitting their complaints due to the proximity to management and operational offices in addition to the issue of the intensive security process. This arrangement can induce anxiety among community members. In contrast, good practices from other mining operations have demonstrated the effectiveness of situating relations offices in dedicated, accessible locations to facilitate smooth community engagement. At Tembo Nickel, the fact that the office is not close to the entrance gate discourages impacted community

members from visiting; it is located at a walking distance of two to three minutes from the main entrance gate. The lack of a designated waiting room outside the project premises also discourages some community members. Such a situation does not favour people with special needs, such as people with disability, pregnant women, and elderly persons. The presence of a designated waiting room would shield community members from the rainfall, sunshine, and so on as they wait to be seen.



Figure 1: Main entrance to the Tembo Nickel Project site in Ngara District. A member of the BHRT field team sits on a stone in the visitor area outside the main gate, awaiting a meeting with community relations officers.

3.1.3 Predictability

The project needs to publicly display a recognized mechanism whose procedures are disseminated via transparent channels, offering clear insights into operational processes.

What the grievance mechanism is for, how it works, what it can and cannot deliver, what to expect at each stage of the process, and a clear and realistic timeframe.

The existence of suggestion boxes, toll-free numbers and regular update meetings with community members that include grievance settlement feedback are all measures that create potential room for predictable process of the OGM. However, these all need to offer predictable pathways of recourse.

Tembo Nickel exhibits a lack of predictability, as evidenced by the assessment findings. The majority of community members expressed concerns about inconsistency in the execution of grievance processes. Only a few of the respondents, primarily local leaders within the area, reported a sense of predictability in the

mechanism. When probed more deeply regarding the structured processes of the company's grievance system, including clearly defined procedures, timelines for each stage, and transparency about grievance types, the key informants from local government were a group that was able to clearly provide substantial details about the framework of the project's grievance mechanism.

Community feedback highlighted that the ongoing changes to toll-free number operators resulted in community disengagement from the grievance process. The community reported a lack of communication regarding the status of grievances submitted through suggestion boxes, which contributed to uncertainty about the next steps in the remedy-seeking process. This community sentiment stands in contrast to assertions from the Tembo Nickel administration, who

maintained that the grievance mechanism is both predictable and trustworthy.

3.1.4 Equitability

The principle of equity is fundamentally rooted in the concept of fairness and emphasizes equal rights for all parties involved. It entails the right to be heard, respected, fairly represented, to access relevant information, and to access gender-responsive modifications to grievance procedures that address the unique needs of individuals. It also concerns rights-holders' access to advisory, technical or financial support to be able to participate meaningfully in the grievance resolution process, the right to withdraw from the process and to challenge/appeal proposed outcomes. The outcomes of grievance processes must be devoid of bias and

discrimination. In essence, equity is a framework that ensures aggrieved parties have adequate access to necessary information, guidance and expertise.

The majority of community respondents expressed a lack of access to information, as the mechanism does not provide information on the processing of the reported grievance, meaningful advice, or expertise. Rather, the experience is one of requiring repeated re-reporting of the complaint.

Key barriers highlighted by the community members include a lack of awareness regarding available expertise, and insufficient resources to seek support for asserting their rights. Community members interviewed expressed concern that at the operational level the grievance mechanism exhibits a lack of

responsiveness to issues that significantly impact the community's interests, while typically addressing those issues that significantly impact the company's objectives.

3.1.5 Transparency

This concept pertains to the strategic communication of updates to all stakeholders involved in a grievance, ensuring they remain informed about the status of their respective cases. An effective grievance mechanism should facilitate the dissemination of crucial information to the parties engaged in the grievance process. This underscores the importance of transparency and the provision of relevant data, which are vital for fostering trust and ensuring the fairness of the process. This practice enhances community engagement and fosters a sense of trust and confidence among community members in the

grievance resolution process. It also includes publishing relevant data about the number of grievances received, resolved and outcomes.

The Tembo Nickel OGM can be accessed via the toll-free number, suggestion boxes and physical reporting.

The data collected by the assessment revealed that the majority of the respondents reported a deficiency in the provision of information and feedback regarding the status of their complaints. This communication gap appears to undermine their trust in the complaint resolution framework. For example, respondents from the community expressed concern about the lack of transparency in the reported complaint of insufficient compensation resulting from the company's land acquisition. There is no feedback mechanism, such as a

reporting system, for the status of their complaint. Additionally, they stated that they have been using the toll number to follow up on their grievance, which sometimes provides incomplete answers and promises follow-up, but unfortunately, the promised answers never materialize.

The Tembo Nickel OGM does not provide an easily available (online database) way to access information on the progress of the reported matter other than in-person direct contact with the company, thereby limiting the transparency of the mechanism. Few respondents acknowledged receiving effective communication and feedback, particularly through the designated hotline and during engagement sessions with village and stakeholder groups.

There is a notable lack of access to information among complainants of

human rights abuses in the area, largely due to the inconsistent nature of the toll reporting system. This system requires complainants to repeatedly report incidents, which obstructs the pathway to effective resolution. Although it was communicated that feedback must be provided within 30 days, this has not been the case in practice. Additionally, the feedback mechanisms tied to the suggestion box process are inadequate, further complicating the challenges faced by complainants.

3.1.6 Rights-compatible

This concept focuses on achieving consensus among conflicting parties regarding resolutions by ensuring that remedies align with internationally recognized human rights standards. Outcomes are valid only when all parties agree on their consistency.

Importantly, this criterion should not restrict access to other grievance mechanisms. It involves engaging affected stakeholders to identify necessary remedies and their optimal delivery, analysing them to ensure they are adequate, effective, prompt, culturally sensitive and gender-responsive, and making adjustments as needed. The effectiveness of remedies should regularly be assessed to address any deficiencies.

There was no information on whether anyone had been successfully compensated (via the company's grievance mechanism beyond that the majority of respondents from the community, local government, and the focus group acknowledged receiving compensation for the land acquired by Tembo Nickel. That the compensation received was mismatched with the prevailing land values in the area, was

highlighted by the majority of respondents. This has hindered their ability to purchase similar-sized, alternative plots of land in the area. In contrast, a few respondents (local government leaders), expressed that the compensation received was adequate, enabling them to invest in modern housing and purchase motorcycles. This discrepancy highlights the challenges faced by landowners and underscores the need for fair and equitable compensation practices in land acquisition processes.

For example, looking at the show houses built by Tembo Nickel, which are said to be ‘modern’, information gathered from respondents in the field revealed that the houses are too small to accommodate their families. Respondents said that although their old houses were not modern, they were sufficient for their families and

that the rooms in the model houses did not meet the needs of their families.



Figure 2: Model houses for resettlement purposes have been built since 2022.

3.1.7 Source of continuous learning

An effective grievance mechanism should leverage insights gained from previous grievance processes to enhance its functionality. This involves systematically gathering feedback on the performance of resolved grievances, which can provide critical guidance for future improvements. It is essential to implement measures that include

regular analyses of the frequency, patterns and underlying causes of grievances. The mechanism should propose strategic approaches and good practices for grievance resolution. This encompasses actively soliciting feedback regarding participants' experiences with the mechanism, as well as tracking and evaluating the effectiveness of management processes and outcomes.

Such comprehensive evaluation informs necessary adjustments and ensures continuous improvement in resolving grievances effectively.

The Tembo Nickel interviewees indicated that the future effectiveness of the mechanism will be enhanced by applying lessons learned. The installed suggestion boxes collect complaints and gather information, which, when well utilized, can lead to future improvements in the grievance process.



Figure 3 Tembo Nickel suggestion boxes are located in various villages surrounding the mining project, aiming at encouraging community members to voice their concerns.

However, the company lacks initiatives for feedback where stakeholders can provide input on how the mechanism is working for them and there is no formal, regular and communicated assessment by the company to improve the effectiveness of its OGM operationalization.

3.1.8 Based On Engagement And Dialogue

The process should involve continuous engagement and dialogue with stakeholders to actively gauge, comprehend and address their interests and concerns. This approach seeks to ensure that decisions are made collaboratively, involving all parties in the grievance through unconditional and impartial communication. It emphasizes the importance of consulting all stakeholders regarding the modality, design and operational effectiveness of the grievance mechanism, particularly in terms of how decisions are formulated and communicated.

The insights gathered from community members reveal the fundamental challenges impeding the effectiveness and acceptance of the grievance mechanism implemented by Tembo Nickel. Predominantly,

respondents indicated a widespread lack of understanding regarding the grievance process, which is exacerbated by insufficient meaningful participation by community stakeholders. The lack of full community inclusion in the process to develop the mechanism hinders the effectiveness and efficient functionality of the mechanism, underscoring critical barriers that must be addressed to bolster community engagement and foster trust.

Additionally, the lack of community involvement in the entire dispute resolution process, including being informed about the status of a complaint, what will happen next, and being provided with professional advice on the grievance, has also been a challenge for this mechanism, affecting its effectiveness in resolving complaints.

Consequently, it is imperative for Tembo Nickel to enhance its communication efforts to widely disseminate information about the grievance mechanism to communities surrounding the project.

3.2 The Key Gaps Of The Tembo Nickel Ogm

3.2.1 Inadequate Community Involvement

There was a noteworthy lack of meaningful community engagement during the formation and implementation of the OGM. Tembo Nickel administration disputes these claims, stating that local community members were involved. However, the impact of their participation in information-sharing within the community, as part of the feedback loop with the company, remains unclear. This situation raises

questions regarding the effectiveness of the community engagement efforts .

3.2.2 Limited community understanding of the Tembo Nickel OGM

The majority of community members lack awareness of the company's grievance resolution framework, which has resulted in their inability to anticipate the steps involved in addressing grievances effectively. The limited awareness of impacted people about the functioning and importance of the OGM has hindered its use, leading to a lack of acknowledgement of the contribution the OGM can make in dealing with some of the grievances and challenges they are experiencing.

3.2.3 Mistrust of the OGM by intended users

There is a prevailing mistrust by the community members of the OGM.

The majority of individuals expressed concerns regarding the ability of the company to offer effective resolution and redress through the OGM. While they acknowledge its existence as important, most community respondents showed significant apprehension regarding the operational transparency, confidentiality protocols and overall responsiveness. These concerns are exacerbated by the fact that the establishment of OGMs requires meaningful engagement with community during their design and implementation, which many respondents noted was not the case, thereby leading to scepticism about its impartiality and reliability in addressing grievances effectively.

3.2.4 Accessibility Challenges

The effectiveness of the grievance mechanism was found to have been

impaired by various accessibility challenges noted by this assessment. Many community members reported lengthy and difficult transport challenges to access the mining site company community relations offices. The lack of an easily accessible office outside the mining area discourages people from seeking assistance and undermines Tembo Nickel's initiatives to build constructive and cooperative relationships with neighbouring communities. This scenario not only impedes access to remedy but also exacerbates perceptions of exclusion among the affected residents.

The absence of a designated waiting area before entering the company premises may impede access to the grievance mechanism for victims seeking follow-ups on their complaints, particularly for individuals with special needs, such

as breastfeeding women, the elderly, and persons with disabilities. This deficiency may create barriers that obstruct victims from effectively engaging with the company's grievance mechanism.

The Tembo Nickel Project has two community relation offices; at the main office and at Rulenge Centre. However, both offices face accessibility challenges. The distance from Rulenge office to main office is 32 kilometres, and it is between 5 and 15 kilometres from the three wards neighbouring the project.

The Rulenge community relations office is not well known, limiting community awareness of its existence, as the majority of community members interviewed only mentioned the main office's community relations office.

3.2.5 Limited knowledge of legal rights and BHR issues

Significant gaps exist in the understanding of legal (including judicial and non-judicial grievance mechanisms) and human rights issues pertinent to land acquisition and compensation processes, as well as the mechanisms available for remedial action in case of violations of these rights. Throughout these procedures, a substantial number of the affected community members have minimal confidence due to these gaps, which has led to a fear of raising their voices to demand their rights to the extent that the way they have been pursuing their complaints in this system has failed to formally challenge the set compensation amounts. A majority of those impacted by the project expressed dissatisfaction with the manner in which their displacement occurred,

but they lack knowledge on how it should have been properly exercised. BHRT documented multiple grievances from communities displaced by the Tembo Nickel Project. These complaints primarily centred on the promised compensation for both cultivated and naturally occurring trees situated on their lands. Payment amounts were based on the size and type of trees, with proposed compensation tiers ranging from 25% to 100%. However, it was expressed that subsequent alterations to the compensation framework led to significant deviations, resulting in no payments being made within the 50% to 100% range. Ultimately, the highest compensation issued for any trees was only 25%. This discrepancy from prior agreements has triggered unrest and raised numerous unresolved questions among the affected community members.

Current discrepancies in compensation for the housing and resettlement plan for communities displaced by the Tembo Nickel Project have raised significant concerns. A total of 3,532 households will be physically displaced. This includes relocation, loss of residential land and shelter. An additional 9,672 households will likely be economically displaced. This means the loss of agricultural land, assets, access to assets, income sources, or means of livelihood. Compensation amounts are determined by property size, market value, and geographical location. Initial compensation payments ranged from 60% to 100%. This allowed families to relocate from the project site, enabling operational plans to proceed. The remaining 40% was to be paid once families moved into their newly promised housing.

The resettlement plan framework was

meant to be completed within 18 months after compensation. However, the process has now stretched to about 36 months. No housing has been constructed, and no outstanding payments have been made. This delay has led to many inquiries about the remaining 40% and the status of the promised housing. The unfulfilled promises over the past three years have led to increased mistrust and growing speculation, with some even suggesting that the project has been abandoned. BHRT has received complaints from community members seeking to be allowed by Tembo Nickel to return to their original lands, citing unfulfilled promises, a lapsed timeline, and the depletion of the provided 60% interim compensation.

BHRT engaged with the Tembo Nickel Headquarters in Dar es Salaam to clarify various issues, including the

rumour of the company's closure, the unpaid 40% owed to the people affected by the project, the statistics of grievances received and their status, and the number of women involved in the grievance mechanism and the current progress on these initiatives. Notably, BHRT also sought clarification on whether there were directives for the community to return to their ancestral homes and lands.

Tembo Nickel reported that the company is in the advanced stages of planning, with nickel production slated to commence by the end of 2025. However, regarding the repatriation of affected communities to their original residences, the response was contentious. The company suggested that, with limited exceptions, only minor repairs would be permitted to avert further deterioration and collapse of the

properties, contradicting earlier commitments made to the residents that the relocation was going to be effected as prior agreed.

Local government authorities have expressed a desire for enhanced collaboration with the Tembo Nickel implementation team. They seek to be involved more in the discussions focusing on addressing community land-related issues including through the OGM. Those who participated in this assessment indicated that by fostering a more inclusive dialogue, the project would better align with the principles of confidentiality and transparency as outlined by the UNGPs. This approach could strengthen relationships and improve outcomes for the community and the project.

3.2.6 Constraints on women's participation in the OGM

The assessment team made efforts to understand from the company how the OGM considers the engagement and participation of women. The limited participation of women in the advocacy and preservation of human rights at the community level is a critical issue in Ngara district, mirroring trends observed in other regions of Tanzania. Historically, women in this area have faced significant barriers but they are unable to express their concerns through the OGM regarding land acquisition and the progress of compensation processes. The disparity in the distribution of land and housing benefits has often favoured men, resulting in inequitable outcomes for women. Furthermore, many women have experienced abandonment by their spouses,

leaving them marginalized and excluded from discussions related to socioeconomic family-centred planning. The misallocation of compensation funds has exacerbated poverty among members of the community, highlighting a systemic issue that undermines economic stability and gender equity. The Tembo Nickel interviewees stated that the complaints system is gender-sensitive. Anyone with a complaint has access to it. Women, men, young people, and elderly individuals all have equal rights to use the mechanism and receive compensation if their complaint is deemed valid.

CHAPTER FOUR: RECOMMENDATIONS AND CONCLUSION

4.1 Recommendations

i. Provide accessible community relations offices outside the mine site premises: It is recommended that the community relations office for the Tembo Nickel Project, which hosts the OGM, be located outside the mining site premises to ensure accessibility in seeking resolutions. Also, Tembo Nickel can enhance its infrastructure by building a waiting area.

ii. Undertake a review of the OGM to be more inclusive and robust: A comprehensive independent review of the Tembo Nickel OGM, learning from good practice in the Tanzania extractive sector, is crucial to uphold the inclusion agenda of the key

stakeholders (CSOs, community representatives, experts in the areas, and other stakeholders).

iii. Onboard community liaison officers responsible for community complaints and capacity building: Tembo Nickel should prioritize identifying specific staff members responsible for managing community complaints to ensure consistency in handling these issues and to facilitate targeted training. This team should be equipped with a clear mechanism for tracking and communicating all complaints received, which will enable them to provide timely updates and responses in the event that complainants follow up on their issues.

iv. Conduct regular engagements with community stakeholders on OGM successes and challenges: Public participation in decision-making is vital to effectively addressing and mitigating land-related grievances in areas impacted by mining activities. Engaging local communities in discussions regarding mining operations, land use, and environmental impacts can help build trust and understanding, ultimately leading to a more collaborative and transparent relationship between the company and the community. This approach can significantly reduce the likelihood of conflicts and foster a sense of ownership and accountability among all stakeholders involved.

v. Undertake OGM awareness raising: To ensure effective functioning, it is critical to undertake periodic awareness raising on the OGM existence and functioning for community members, paralegals, CSOs, and local leaders; to enhance their ability to engage with the available grievance mechanisms.

vi. Engage with access to justice policy actors: Tembo Nickel could usefully engage with access to justice policy actors, CSOs, and traditional leaders to explore opportunities for mediation or arbitration in the event of a misunderstanding between the parties. These actors are pivotal, considering that they often speak on behalf of the public. They may initiate discussions and raise awareness of the OGM.

4.2 Conclusion

It is imperative for the Government of the United Republic of Tanzania, via its authoritative oversight bodies such as CHRAGG, the Ministry of Minerals and Energy and the Ministry of Lands, Housing and Human Settlements Development, to proactively undertake the necessary measures to ensure mining compliance with access to a remedial pillar for people affected by companies' operations. This process will facilitate transparency and foster equitable dialogue regarding land acquisition, valuation, compensation, resettlement and other human rights considerations relevant to forthcoming transition minerals activities.

This approach underscores the importance of inclusive decision-making, the rule of law, and respect for community rights in areas with transition mineral resources. Public legal education and human rights campaigns equip community members with knowledge about their rights and the role of the rule of law in social and cultural development. This education empowers communities to demand human rights protections and resist abuses that block access to remedy. It also drives community involvement in decision-making and ensures participation in creating corporate grievance processes.

Effectiveness of Operational Level Grievance
Mechanism in Transition Mineral: Lessons
from Kabanga Nickel Project in Ngara District



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