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Transparency & Accountability
for the Extractive Industry

EXTRACTIVES AND HUMAN RIGHTS

Strengthening Due Diligence, Private Security
Operations, and Grievance Mechanisms under
the National Action Plan on Business and
Human Rights in Tanzania.

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Strengthening Due Diligence, Private Security Operations, and Grievance Mechanisms under the National Action Plan on Business and Human Rights in Tanzania.

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Key Message:

A Focus on Pillar II of UNGPs

- The adoption and enforcement of the National Action Plan on Business and Human Rights (NAP-BHR) is essential for addressing persistent human rights violations, environmental harms, and weak grievance mechanisms in Tanzania's extractive sector.
- Companies' security actors must align with the Voluntary Principles on Security and Human Rights, to prevent abuses, ensure transparent and respectful practices within the extractive communities.
- The absence of operational-level grievance mechanisms in many extractive companies limits access to effective remedies for victims of business-related human rights violations.
- Corporate Human Rights Due Diligence should be strengthened and effectively enforced to ensure companies meet their responsibility to respect human rights, in line with the UN Guiding Principles.

Introduction

The UN Guiding Principles on Business and Human Rights (UNGPs), endorsed in 2011, followed in 2014 by the recommendations from the United Nations Working Group on Business and Human Rights on the development of National Action Plans (NAPs). These frameworks seek to enhance respect for human rights while balancing the economic benefits of business activities with the social costs borne by communities.

Globally, the adoption of NAPs has gained momentum. According to Swedwatch (2024), nearly 33 countries have adopted NAPs, while approximately 13 others are in the process of developing them. Tanzania falls within the latter group, lagging behind neighboring Kenya and Uganda, both of which adopted their NAPs in 2021.

Tanzania has not officially adopted the National Action Plan on Business and Human Rights (NAP-BHR); in fact, what is in place until now is a draft of the plan covering the period of five years, 2025/26–2029/30. Since 2017, Commission for Human Rights and Good Governance (CHRAGG) has undertaken the National Baseline Assessment as a prerequisite to ensure that the government has a contextualized national plan that comprehensively explains the state's duty to protect, corporate responsibility to respect, and remedies for victims of business-related human rights abuses. The assessment further presented that among the factors exacerbating the business-related human rights violations is the absence of national commitment, which contextualizes the UNGPs to make sure the companies, including those from extractive industries, avoid infringing on the human rights of others, and also address adverse human rights impacts with which they are involved.

In this sense, understanding the NAP-BHR becomes crucial, not only for being aware of the government's duty in protecting human rights, but mainly to unearth and identify gaps linked with corporate responsibility in respect for human rights, and the provisions demanding companies to ensure access to remedies for the victims of human rights violations.

Therefore, this policy brief critically examines Tanzania's National Action Plan on Business and Human Rights, identifying key gaps in relation to the corporate responsibility to respect human rights. With a particular focus on the extractive sector, the brief highlights three key issues: human rights due diligence, private security operations, and grievance mechanisms, mainly to show how companies' commitments have been explicitly enforced to prevent their actions that infringe others' human rights, as well as address adverse human rights impacts in which they are involved.

¹Guiding Principles Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework

²UN Working Group on Business and Human Rights, Guidance on National Action Plan on Business and Human Rights

³Swedwatch-Policy-Brief-April-2024.pdf

⁴National Action Plan on Business and Human Right 2025/26- 2029/30

⁵National Baseline Assessment (NBA) of a Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania.

Overview of the National Action Plan on Business and Human Rights

In March 2025, the Tanzania Human Rights Defenders Coalition (THRDC) published a final draft of the National Action Plan on Business and Human Rights, a five-year framework covering 2025/26 to 2029/30. The plan is positioned as a strategic government framework that contextualizes the UNGPs and outlines a range of interventions aimed at strengthening institutional capacity, raising awareness, enhancing stakeholder engagement, improving monitoring and reporting of business-related human rights violations, and improving access to remedies for victims of business-related human rights abuses.

The draft NAP-BHR comprehensively presents different contexts of business and human rights in which the extractive industry has been placed at the center and acknowledges that, despite government efforts to promote extractive-sector growth, serious human rights challenges persist. These include .

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Limited opportunities for participation of community members in matters of their interest concerning mining operations, unprocedural acquisition of land, non-payment and delays in payment of compensation, violation of human rights by private security guards and the Tanzania Police Force, violation of labour rights and employment standards, and environmental destruction and trespasses in land.

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All of these are some of the few issues highlighted in the plan limiting responsible business conduct in the sector.

⁶THRDC - Tanzania Human Rights Defenders Coalition

⁷National Action Plan on Business and Human Right 2025/26- 2029/30

⁸See page 11 of the National Action Plan on Business and Human Rights 2025/26- 2029/30

Strengthening Corporate Responsibility to Respect Human Rights Through the NAP-BHR

1. Inadequate Enforcement of the Human Rights Due Diligence

Under principles 11-21 of the UNGPs, businesses bear a responsibility to respect human rights, which requires more than passive compliance or harm avoidance. The responsibility requires the adoption of explicit operational policy commitments and the systematic integration of human rights due diligence into their operations. While Tanzania's draft NAP-BHR emphasizes the state's duty to review domestic laws and integrate human rights due diligence, it does not sufficiently address the obligation of businesses to adopt and implement clear, enforceable operational policies. As a result, corporate commitments to human rights remain largely aspirational rather than binding.

Importantly, for companies to meet their responsibility to respect human rights, they should ensure that:

- ✓ A policy commitment to meet their responsibility to respect human rights;
- ✓ A human rights due diligence process to identify, prevent, mitigate, and account for how they address their impacts on human rights;
- ✓ Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

However, these commitments are aspirational rather than binding or mandatory. For the extractive industry, which faces unique human rights challenges due to weak regulatory enforcement, the plan could be seen as inadequate in addressing human rights violations. Additionally, this omission may weaken the institutional foundation necessary for companies to internalize and operationalize their responsibility to respect human rights in extractive operations.

CHRAGG's 2017 National Baseline Assessment documented several cases illustrating these shortcomings. For example, the Shanta Gold Mine was reported to have failed to conduct meaningful community consultations, failed to engage

9 Refer to Principle (15), p.16 of the UNGPs=

10 Refer to Principle 16 of the UNGPs, Explaining the Policy Statement of the Business, i.e., Operational Policy Commitments, GuidingPrinciplesBusinessHR_EN.pdf

11 National Baseline Assessment (NBA) of a Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania.

12 National Baseline Assessment (NBA) of a Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania.

the Local Government Authorities (LGAs) for monitoring the environmental management plans (i.e., no company-level Environmental and Social Impact Management Plan was identified), and failed to investigate or address communities' allegations related to blasting vibration and compensation.

Moreover, it can be added that these failures were compounded by the weak enforcement of existing laws. For instance, in the case of Shanta Gold Mining, the CHRAGG's 2017 National Baseline Assessment strongly highlighted that, among the environmental challenges faced by the communities was the failure of the government to ensure company's compliance with the provision of the Environmental Management Act (2004) on land rehabilitation and remediation of adverse effects, the Village Land Act (1999) on land compensation, and the Mining Act (2010) on requirements regarding prospecting activities.

These shortcomings highlight the need for a more robust NAP-BHR framework that goes beyond state regulatory reviews and explicitly mandates the corporate adoption and implementation of human rights in operational policies. Such policies should be subject to continuous monitoring, transparency requirements, and accountability mechanisms. This would ensure that extractive companies are not only committed to human rights standards but also demonstrably accountable for preventing, mitigating, and remedying adverse human rights impacts. At the same time, the government, through its regulatory authorities and institutions, must enhance its performance in human rights governance.

2. Extractive and Private Security Operations Risks

The International Code of Conduct Association (ICoCA) emphasizes that security personnel, particularly private security providers, bear a fundamental responsibility to respect human rights. It mandates that member companies ensure the protection of individuals' rights affected by their operations, especially in complex environments, diligent oversight and monitoring.¹³ However, in the extractive sector, security arrangements often involve complex interactions between state police and private security providers, creating significant risks for host communities. For instance, it's well understood that police oversee peace and security in different areas. However, in the extractive sector, the challenge becomes more complex when state police are tasked with overseeing external security to prevent 'intrusions' and protect assets. In contrast, outsourced private security firms handle both internal and, if necessary, external security, often without firearms. This raises concerns about the diminishing efforts to address police brutality within the extractive host communities.¹⁴

Building on the previously highlighted complex situation, the draft NAP-BHR recognizes several concerns, including limited human rights awareness among security providers and frequent conflicts between security personnel and local communities. It proposes the Voluntary Principles on Security and Human Rights (VPSHR) as a guiding framework for corporate security operations.

¹³International Code of Conduct Association: The Responsible Security Association

¹⁴Criminal Law in Tanzania: Policing and the Extractive Industry – University of Bristol Law School Blog

¹⁵National Action Plan for the Protection of Human Rights in Nigeria-2024-2028.

¹⁶National Action Plan on Business and Human Rights in Kenya for Implementing the UNGPs 2020-2025

¹⁷Security and Human Rights in Kenya's Extractive Sector

However, the introduction of NAP-BHR without specific human rights-guided laws for private security companies could limit their commitment to adopting the VPSHR, potentially allowing them to distance themselves from responsibility for abuses committed by security actors. It is important to understand that, beyond establishing a formal framework, such an approach would help address persistent corporate-community conflicts, which have led to serious allegations of severe human rights abuses by both public and private security actors.

Several countries that have adopted NAP-BHRs have gone further to explicitly require the adoption of the VPSHR. Nigeria,¹⁵ for example, mandates community participation in the design and management of company security operations, ensuring meaningful consultation and local input. Embedding human rights due diligence within security operations will primarily address diverse security risks while fostering shared responsibility among governments, communities, and companies in tackling social unrest. In contrast, other countries, including

Kenya, have yet to adopt the VPSHR despite sustained multistakeholder advocacy since 2015.¹⁶ This gap has coincided with an increase in security forces and heightened conflicts and social unrest, particularly in Turkana, a resource-rich region (oil and natural gas) in northwestern Kenya.¹⁷

For Tanzania, the experiences from the mining sector further illustrate the need to adopt a VPSHR. A good example is the case of Petra Diamonds, whereby, between 2009 and 2020, multiple human rights violations were reported, including shootings, beatings, and arbitrary detentions of local artisanal miners by police and contracted security personnel. These abuses were compounded by the absence of comprehensive legislation governing private security services and by inadequate training of private guards on human rights standards.¹⁸

Several reports, including RAID investigations, imply that, when it comes to security issues, community members are often excluded. Only the contracted private security firm and police were responsible for different security roles, and leaving the majority of community members dead, injured, and assaulted.¹⁹ In addition, the company has a Code of Ethical Conduct that states, “[We use] all necessary means – overt and covert – to protect our diamonds from theft or loss.” This statement highlights the aggressive security approach that undermines human rights protection in the pursuit of securing the company’s assets.²⁰

Such experiences underscore the urgent need for legally binding human rights laws for private security personnel, and the necessity of human rights due diligence in corporate security operations, particularly in the context of the extractive communities. Effective due diligence would enable continuous monitoring of the local security context, strengthen corporate-community engagement in security planning, support conflict mapping and human rights risks reporting, as well as improve communication channels. Importantly, it would also prevent companies from distancing themselves from serious security-related harm by claiming they are not directly responsible, even when affected community members are directly or indirectly linked to corporate operations.

3. Strengthening Oversight and Mandating Operational Level Grievance Mechanisms.

Victims of business-related human rights violations face persistent barriers in accessing remedies. These barriers include delays in court enforcement, limited institutional resources, and the absence or weakness of operational-level grievance mechanisms within companies.²¹

Although the draft NAP-BHR clearly states the establishment of 27 state-based non-judicial mechanisms, it merely encourages companies to set up operational-level grievance mechanisms rather than mandating them. This gap significantly weakens access to justice at the point of harm, fuels community grievances, and allows disputes to escalate.²²

In practice, extractive companies are not at the forefront of adopting operational-level grievance mechanisms, often doing so only in response to serious incidents. Even when such mechanisms are in place, including within well-established companies such as the Williamson Diamond Company, they face significant challenges, for instance, excessive caseloads, limited awareness, and insufficient access to information. These shortcomings directly threaten victims' ability to obtain timely and effective remedies for human rights violations.²³

An operational-level grievance mechanism ensures the early identification and redress of grievances, preventing escalation and enhancing access to remedies for victims of human rights violations. To be effective, a NAP-BHR must move beyond voluntary encouragement and require the mandatory establishment of operational-level grievance mechanisms, particularly in high-risk sectors such as the extractive industry. Strengthening these requirements, alongside clearer linkages between company-level, state-based, and non-state mechanisms, is essential to enhance accountability and improve access to remedies in the extractive sector.

¹⁸Petra Diamonds' Attempts to Sever Its Tarnished Past in Tanzania

¹⁹Petra Diamonds bows to pressure on human rights abuses at Tanzanian mine - RAID

²⁰Ibid, p.16

²¹Access to Remedy and Extractive Industries: The Challenge of Legal Aid Providers in Tanzania

²²See page 35 of the National Action Plan on Business and Human Rights 2025/26- 2029/30

Conclusion

The draft NAP-BHR represents an important milestone for Tanzania's human rights governance framework. However, its potential will remain unrealized without enforceable commitments that clearly define corporate responsibilities, regulate security operations, and guarantee access to effective remedies. Without such commitments, the NAP-BHR risks becoming an exercise in policy symbolism: rich in state statements and frameworks but weak in corporate accountability. By strengthening enforcement, mandating corporate human rights due diligence, and institutionalizing operational-level grievance mechanisms, Tanzania can transform the NAP-BHR from aspiration into action, ensuring meaningful protection for communities affected by extractive activities.

Recommendations



1. Mandate Corporate Human Rights Due Diligence.

Building on the NAP's recognition of the State's duty to review laws and integrate human rights standards, the Ministry of Constitution and Legal Affairs, together with the President's Office (Constitutional, Legal Affairs, Public Service, and Good Governance), must require companies to adopt, implement, and publicly disclose human rights policies aligned with the UNGPs.

These policies must clearly outline the due diligence process and establish concrete procedures for identifying, preventing, mitigating, and addressing adverse impacts on communities. Transparent reporting should support these efforts, demonstrating genuine commitment and sustained implementation.



2. Enforce human rights-guided laws for private security guards and ensure the adoption of the Voluntary Principle on Security and Human Rights.

The Ministry of Home Affairs, working in collaboration with the Commission of Human Rights and Good Governance (CHRAGG), should impose explicit obligations on both public and private providers to align their conduct with the Voluntary Principles on Security and Human Rights.

This would require security actors in the extractive sector to undertake mandatory conflict risk assessments and mapping, engage in structured community consultations, and publicly disclose identified human rights risks and mitigation measures. These steps are essential to preventing violence, abuse, and the escalation of conflict around operations.



3. Institutionalize the Company Operational Level Grievance Mechanism.

To strengthen the NAP's commitment to effective remedies, the Ministry of Constitution and Legal Affairs and the President's Office should require extractive companies to establish a robust, accessible, and culturally appropriate grievance mechanism at the operational level. These mechanisms should ensure timely, fair, and transparent resolution of disputes, reinforce linkages with state and non-state remedy pathways, and build stronger community trust in corporate accountability practices.



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