



CALS

Centre for Applied
Legal Studies

BUSINESS AND HUMAN RIGHTS STANDARDS IN THE JUST TRANSITION

COMMUNITY TOOLKIT



ABOUT THE CENTRE FOR APPLIED LEGAL STUDIES (CALS)



The Centre for Applied Legal Studies (CALS) is an independent human rights organisation based at the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Our mission is to advance social justice in South Africa by employing research, advocacy, and litigation as tools of change, to bring about a society where historical and social justice are achieved, state institutions are strengthened and oppressive systems have been dismantled. CALS operates through five distinct programs, each dedicated to promoting human rights and social justice in its specific focus area.

For more information about CALS and our initiatives, please visit our website: www.wits.ac.za/cals/

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Responsibility for the content lies entirely with the creator.

As always, the inspiration, guidance and reason for this publication are the communities and individuals with and for whom we work.



Business & Human Rights
Resource Centre



SUOMI
FINLAND

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RESOURCES DIRECTORY

TERMS AND ABBREVIATIONS

AGM	Annual General Meeting
BHR	Business and human rights
BHRRC	Business and Human Rights Resource Centre
CALS	Centre for Applied Legal Studies
CCMA	Commission for Conciliation, Mediation and Arbitration
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DMRE	Department of Mineral Resources and Energy
FPIC	Free, Prior and Informed Consent
IAM	Independent Accountability Mechanism
JETP	Just Energy Transition Partnership
JETIP	Just Energy Transition Investment Plan
JSE	Johannesburg Stock Exchange
Just Transition	Greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind – maximising the social and economic opportunities of climate action whilst minimising and managing its challenges for the most vulnerable.
MACUA	Mining Affected Communities United in Action
NPA	National Prosecuting Authority
OECD	Organization for Economic Cooperation and Development
SLP	Social and Labour Plan
WAMUA	Women Affected By Mining United in Action

ABOUT THIS TOOLKIT



A) BACKGROUND AND INTRODUCTORY FRAMEWORK

The concept of a ‘just energy transition’ refers to a shift in economic, social and industrial practices that ensure environmental sustainability through a move away from fossil fuels in a manner that protects and centres the rights and livelihoods of workers and communities. In turn, there is an emerging focus on the extraction of so-called ‘green’ and ‘critical’ minerals, namely those minerals which enable a move away from fossil fuels and towards more renewable energy sources.

CALS’ commitment to democracy, justice, equality, and peace remains at the core of our work, ensuring that no community is left behind in the pursuit of a more just and sustainable future.

This Business and Human Rights Standards Toolkit thus serves as a resource aimed at capacitating affected individuals and communities with an understanding of the legal and practical landscape within which large corporations operate in this energy transition. The Toolkit is designed to enhance affected communities’ capacity to engage effectively with companies, particularly those in the realms of renewable energy and ‘green’ mining in the context of the climate crisis.

Guided by the need to safeguard community rights and interests, the Toolkit aims to provide an understanding of the roles and responsibilities of corporations

in respecting these rights, while identifying and documenting potential abuses. Its overarching mission centres on equipping affected communities with knowledge and skills essential for comprehending corporate operations, thus enabling them to engage meaningfully and assertively. Moreover, the Toolkit pioneers strategies for affected communities to engage corporations on their human rights impacts and standards.

This undertaking is most relevant in light of the climate crisis; corporations, including those in renewable energy and 'green' mining, must address the urgent need for an energy transition and ecological and socio-economic sustainability. Acknowledging the imperative of upholding human rights and accountability within this transition, the Toolkit emphasises the responsibility

of corporations operating within the energy transition value chain to respect human rights and provides avenues for redress against violations. The Toolkit also emphasises the significance of informed communities, poised to understand both corporations' responsibilities and community rights.

In conducting the research for this Toolkit, CALS focused on the Kalahari Manganese Field area in Kuruman, Northern Cape. This region holds 80% of the world's known economic manganese resources, making it a focal point for understanding the evolving dynamics of 'critical' resource extraction and its implications within the broader context of the energy transition.

B) WHO IS THIS TOOLKIT FOR?

The primary audience is any individual or community that is affected by corporate activity, particularly mining in the 'green'/transition/'critical' minerals sector.



C) WHAT IS BUSINESS AND HUMAN RIGHTS?

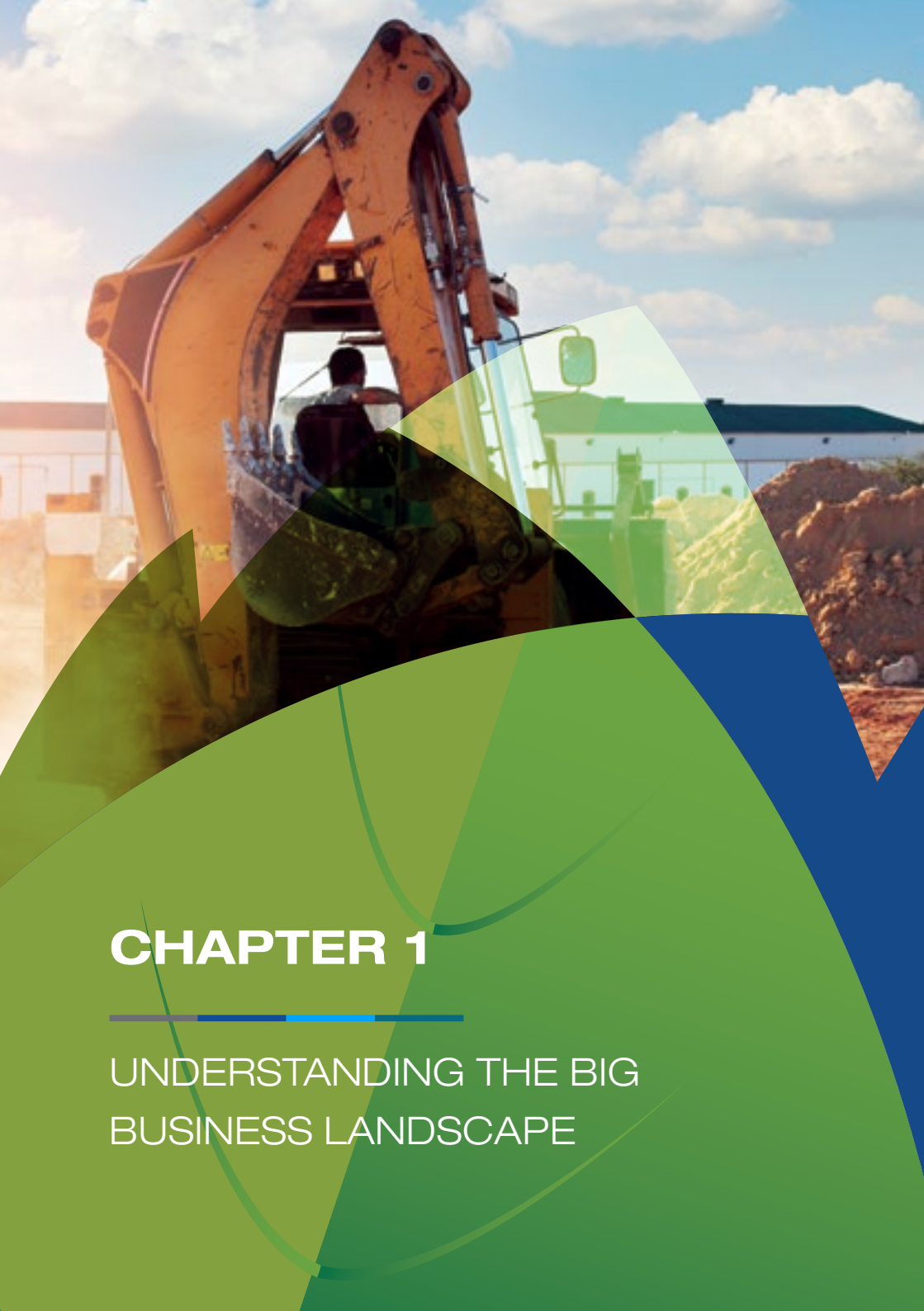
Business and Human Rights (BHR) is a thematic nexus that focuses on the corporate responsibility to respect human rights and the state duty to protect human rights from corporate harm.

Historically, human rights law governed only states as the bearer of obligations towards citizens and persons that found themselves within the territory of a state. However, globalization gave rise to a debate in the 1980s around the powerful nature of corporations, and the extent to which they often oversee greater resources and thus wield more power than sovereign states. Through their operations, corporations often violate human rights, including environmental and labour rights. Moreover, corporations operate across state borders, and so are not limited by state sovereignty in the way that individual states may be.

A call to incorporate the operations of corporations within human rights law thus emerged, and this debate has now extended to also cover domestic law.

BHR includes a wide range of legal topics, subjects and possibilities including labour rights; corporate due diligence; corporate responsibilities to communities and individuals affected by operations; company law; financial institutions' due diligence of the operations of the companies they are funding; and all legal regimes which govern the corporation's various operations (including intellectual property, contract, environmental and competition law).





CHAPTER 1

UNDERSTANDING THE BIG BUSINESS LANDSCAPE

WHAT IS BIG BUSINESS?

Big Business refers to large and influential corporations/companies that operate on a national or international scale. These companies typically have significant financial resources, extensive market reach, and a considerable impact on various aspects of society, including communities affected by Big Business. Big businesses play a pivotal role in shaping the economic, social, and environmental landscape of communities in which they operate. While their operations can bring both opportunities and challenges, it is essential for communities affected by Big Business to have a comprehensive understanding of big businesses' influence and impact in order to effectively engage with them and protect their interests and rights.

Below is an overview of some characteristics of big business:

- **Size and Scale:** Big businesses are characterised by their substantial size, often measured in terms of revenue, market capitalisation, or the number of employees. These companies are usually multinational or have a presence in multiple regions, allowing them to dominate markets and economies.
- **Economic Impact:** The activities of big businesses can have a profound effect on the economy. If operating effectively and appropriately, big businesses can create job opportunities, generate revenue for local governments through taxes, and contribute to the overall economic growth of the regions in which they operate.
- **Influence and Power:** Big businesses wield considerable influence and power due to their financial strength, extensive resources, and widespread operations. This influence can extend to 'state capture', undermining the democratic process and resulting in policies that prioritise corporate interests over the public good.
- **Supply Chain and Sourcing:** Big businesses typically have complex supply chains that source raw materials, goods, and services from various regions globally. These supply chains can have both positive and negative effects on affected communities, depending on how they are managed.

- **Environmental Impact:**

The environmental impact of big businesses can be significant, especially in industries like mining, agriculture, and energy. Extraction of natural resources, deforestation, pollution, and greenhouse gas emissions are some of the environmental concerns associated with big businesses.

- **Social and Cultural**

Influence: Big businesses can influence local culture and societal norms through their advertising and marketing efforts. They may also bring in cultural changes as they expand their operations.

- **Community Relations:** The presence of big businesses in communities can lead to changes in the social fabric and community dynamics. While some communities may benefit from job opportunities and improved infrastructure, others

may face challenges such as displacement, loss of livelihoods, and changes to traditional ways of life.

- **Corporate Social Responsibility (CSR):** Many big businesses engage in CSR initiatives to contribute positively to the communities they operate in. These initiatives may include supporting education, healthcare, infrastructure development, and environmental conservation.

- **Power Asymmetry:** The power asymmetry between big businesses and communities can make it challenging for communities to protect their rights and interests in business dealings. Lack of access to information and legal resources can further exacerbate this imbalance.

- **Financing:** Big Business includes both the operations and activities ultimately performed by the corporation, as well as the financing that enables it to perform those. Financiers of Big Businesses are instrumental in providing the financial resources and expertise needed for sustained growth and success.



CORPORATE STRUCTURE AND DECISION-MAKING

Understanding the corporate structure and decision-making processes within big businesses is crucial for communities affected by these companies' operations. In South Africa, the Companies Act 71 of 2008 plays a pivotal role in governing how corporations are structured and how decisions are made.

This section provides an overview of the corporate hierarchy and decision-making mechanisms within big businesses in South Africa.

Types of Business Entities:

In South Africa, big businesses take the form of either public or private companies. Public companies can issue shares to the public and may be listed on the Johannesburg Stock Exchange (JSE), while private companies have more restricted share transfers and do not issue shares to the public.

Corporate Hierarchy: Big businesses in South Africa generally follow a hierarchical structure that includes the following key roles:

- a) **Shareholders:** Shareholders are the owners of the company. They hold shares that represent ownership in a corporation, and have voting rights in important company decisions. Shareholders can use their power as owners of companies to facilitate change and can be key people

to approach when advocating for change.

- b) **Board of Directors:** The Board of Directors is responsible for overseeing the company's strategic direction and decision-making. It consists of executive and non-executive directors who are elected by shareholders.
- c) **Executive Management:** This comprises the company's top-level managers, including the Chief Executive Officer (CEO), Chief Financial Officer (CFO), and other senior executives responsible for day-to-day operations.
- d) **Employees:** The workforce of the company plays a critical role in the day-to-day functioning and success of the business.

Decision-Making Processes:

The Companies Act outlines specific procedures for decision-making within big businesses to ensure transparency and accountability. Key decision-making processes include:

- a) **Shareholder Meetings:** Annual General Meetings (AGMs) are held to allow shareholders to approve financial statements, elect directors, and discuss key issues affecting the company's strategy and operations.

- b) **Board Meetings:** The Board of Directors convenes regularly to make strategic decisions, review financial performance, and ensure compliance with legal and regulatory requirements.
- c) **Special Resolutions:** Certain decisions require approval through special resolutions passed by a specific majority of shareholders.
- d) **Directors' Duties:** Directors have a duty to act in the best interests of the company, exercise due care, and avoid conflicts of interest. This is known as a 'fiduciary duty'.

THE ROLE OF BIG BUSINESS IN SAFEGUARDING COMMUNITIES' RIGHTS AND INTERESTS

Big businesses in South Africa play a vital role in safeguarding the rights and interests of affected individuals and communities. All businesses operating in South Africa must comply with the Constitution of the Republic of South Africa, 1996 and respect the human rights enshrined therein; this includes engaging with communities and adhering to environmental regulations, while mitigating any negative impacts of their operations.

Through transparent practices, fair labour standards, and support for local economies, businesses can contribute to community well-being. Environmental stewardship, responsible supply chain management, and adherence to international laws further enhance their role. Upholding these responsibilities fosters sustainable development, equitable growth, and positive partnerships between businesses and affected communities, driving mutual benefit and social progress.

HOW BIG BUSINESS MOST COMMONLY ENGAGES WITH SURROUNDING COMMUNITIES

The relationship between big businesses and communities varies widely based on each region's laws, traditions and the industries involved.

This section provides a description of the relationship between local government, traditional authorities, big businesses and national departments in the governance and management of communities – how each entity is responsible in balancing economic development and cultural preservation in communal life.

Local Government:

Local government bodies, such as municipalities, often have legal authority and responsibility for governing communities within their jurisdiction. They provide essential services such as water and sanitation, infrastructure development, and law enforcement. They balance the needs of residents, businesses and traditional authorities while adhering to national laws and regulations. This is done in partnership with both Provincial and National government.

Traditional Authorities:

Traditional authorities consist of indigenous leaders who hold respected

positions in communities, and the forums in which they are organised, such as traditional councils. They play a crucial role in maintaining cultural and social traditions, resolving disputes, and managing local resources. They work alongside local government as representatives of the community to ensure community concerns are addressed effectively.

Big Businesses:

Big Businesses operate in communities where they can extract or utilize local natural resources. Their presence in communities impacts job creation, economic growth, environmental concerns and social disruption. They often engage both local government and traditional authorities to negotiate agreements and community benefits.

National Government Departments:

National departments such as the Department of Mineral Resources and Energy (DMRE) regulate the mining and energy sectors at a national level. Their collaboration with local governments ensures that national policies are implemented and enforced at local levels. They also engage traditional authorities to address environmental and social impacts.



It is important to remember that each of the spheres of power that govern communities are also talking to one another – for example, Traditional Authorities exist to serve the community, but will also be in direct contact with the Local Government. Always be aware of these various forms of bilateral and multilateral contact which might impact communities' lives.

QUESTION:

How do your local structures – including traditional authorities and local government – relate to Big Businesses? Do you feel properly represented? Are community concerns being addressed?







CHAPTER 2

LEGAL FRAMEWORK AND RIGHTS
OF AFFECTED COMMUNITIES

In South Africa the legal framework and rights of affected communities are governed by a combination of national legislation, international agreements, and constitutional principles.



This chapter provides a foundation to understand these rights and responsibilities, particularly in the context of communities affected by big businesses.

NATIONAL LEGISLATION THAT PROTECTS THE RIGHTS OF COMMUNITIES AFFECTED BY BIG BUSINESS

Constitution of the Republic of South Africa, 1996

The Constitution of South Africa serves as the supreme law, requiring that all other legislation aligns with its provisions. It safeguards the rights of all South Africans and those living within its borders, including rural communities, by enshrining principles of equality, dignity, and access to basic services.



Land and traditional governance

- **Restitution of Land Rights Act 22 of 1994** addresses historical land dispossession as a result of colonialism and apartheid. It allows individuals and communities forcibly removed from their land to claim restitution or compensation, contributing to land justice for rural communities.
- **Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA)** safeguards land rights and interests of people living on communal land, particularly in former apartheid 'Bantustans'. It provides temporary protection for rights not adequately covered by existing laws.
- **Traditional Leadership and Governance Framework Act 41 of 2003** recognises and respects indigenous traditional leadership systems while aligning them with democratic principles. It contributes to rural community representation and engagement in decision-making processes.
- **Communal Land Rights Act 11 of 2004 (CLaRA)** recognises the land rights of indigenous and rural communities living on communal land. It aims to provide secure land tenure, prevent land dispossession,

and empower communities to participate in land governance.

- **Protection, Promotion, Development and Management of Indigenous Knowledge Act 6 of 2019** protects traditional knowledge, ensuring that indigenous knowledge held by rural communities is not exploited without consent or fair compensation.



Environment

- **National Water Act 36 of 1998** regulates water resources, ensuring equitable access to water for rural communities and sustainable water management.
- **National Forests Act 84 of 1998** preserves forests, vital for affected communities' resources, by promoting sustainable forest management and conservation.
- **National Environmental Management Act 107 of 1998 (NEMA)** enforces environmental protection as mandated by the Constitution. It establishes principles for decision-making on environmental matters and coordinates environmental functions across government bodies. NEMA also introduced the Environmental Impact Assessment (EIA) process, which ensures the consideration of social, economic, and environmental factors in development decisions.
- **National Environmental Management: Protected Areas Act 57 of 2003** designates and conserves areas of ecological significance, safeguarding biodiversity and natural resources that rural communities depend on.
- **National Environmental Management: Air Quality Act 39 of 2004** ensures that air quality standards are maintained to protect the health and well-being of rural communities and the environment.
- **National Environmental Management: Integrated Coastal Management Act 24 of 2008** protects coastal environments, crucial for affected communities' livelihoods, through integrated management approaches.
- **National Environmental Management: Waste Act 59 of 2008** governs waste management, aiming to prevent pollution, promote recycling, and safeguard the environment, benefiting rural communities' health and quality of life.
- **Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA)** regulates the mining industry, ensuring equitable access to mineral resources and promoting sustainable development.



Mining

It aims to balance economic gains with environmental and social considerations, benefiting communities affected by mining operations. It requires that any mining endeavour have a Social and Labour Plan (SLP) to guide the operations and relations with surrounding communities.

- **Mining Charter, 2018** drives transformation in the mining sector, emphasising the participation of historically disadvantaged individuals, including rural communities, in the industry.



Decision-making

- **Promotion of Access to Information Act 2 of 2000 (PAIA)** promotes transparency, openness and accountability in government conduct and decision-making. The primary purpose of PAIA is to give effect to the constitutional right to access information.

- **Promotion of Administrative Justice Act 3 of 2000 (PAJA)** promotes fairness and transparency in administrative decisions affecting individuals and communities. It guarantees communities the right to just administrative action, enabling them to participate in processes and decisions affecting their rights.



Other

- **Labour Relations Act 66 of 1995 (LRA)** safeguards the rights of all employees. It guarantees fair labour practices, protection against unfair dismissal, and the right to organise in trade unions and bargain collectively.



SOCIAL AND LABOUR PLANS (SLPS)

Social and Labour Plans (SLPs) are one of the ways our state is trying to address South Africa's long history of inequality in the mining sector. The Mineral and Petroleum Resources Development Act (MPRDA) says that the mineral resources of the country are the common heritage of all who live here. The state's role is to oversee how these resources are used and make sure that this benefits

everyone. This means that it is up to the state, especially the Department of Mineral Resources and Energy (DMRE), to manage mining rights.

According to the MPRDA, if there is a mine near your community, then it must contribute to development in the community. Any application to mine has to include an SLP to explain how the mine plans to benefit communities. The purpose of the SLP is to promote employment, advance social and economic welfare, contribute to transforming the mining industry and ensure that mining companies contribute to the development of the areas where they operate.

Despite having strong laws in place, the reality is that the SLP system has been in force for two decades and most communities affected by mining still live in extreme poverty. This is partly because SLPs are often designed without consulting the people who should benefit from them, and so they may not effectively respond to the challenges experienced by people in the communities. It is also partly because not everything that is promised in an SLP is delivered, and the DMRE does not always follow up to check that these promises are kept. This means that affected communities and mine workers remain at a social and economic disadvantage.

We need an urgent shift in how SLPs are designed and implemented to achieve environmental justice.

INTERNATIONAL LAWS, TREATIES AND NORMS

South Africa is a party to pivotal international legal instruments which underscore the protection of affected communities' rights. Many of these treaties align with the rights protected in the Constitution, and so are already recognised in the South African legal framework. South Africa is required to give effect to these treaty obligations through national legislation, while also demonstrating that the state is protecting and fulfilling the relevant rights in the international domain.

Examples of binding international legal instruments are:

- Universal Declaration of Human Rights (UDHR), 1948
- International Covenant on Civil and Political Rights (ICCPR), 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- African Charter on Human and Peoples' Rights (African Charter), 1981
- Convention on the Rights of the Child (CRC), 1990

In addition, international legal norms which have not yet been elevated to binding treaty provisions govern South Africa's conduct where it has accepted those norms. Many such norms are the first step towards binding international law, and include declarations and policy document developed by international bodies. These norms often go even further than the Constitution in protecting specific rights of indigenous persons, rural communities and cultural groups.

THE UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The United Nations Guiding Principles on Business and Human Rights, 2011 (UNGPs) are a set of principles developed by international experts which seek to protect vulnerable persons and communities from corporations which might violate their rights. The principles are voluntary, but have been widely accepted by many states and corporations. The UNGPs adopt a three-pillar approach in the 'protect, respect and remedy' framework:

Pillar I: State duty to protect

Only states have direct duties in international human rights law, including the duty to protect individuals against human rights violations committed by third parties, including businesses.

Pillar II: Business responsibility to respect

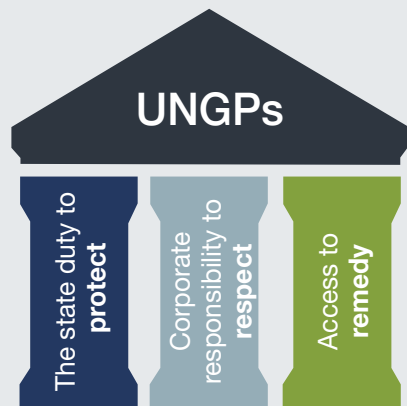
Businesses should respect human rights by avoiding infringing the human rights of others, and should

address adverse human rights impacts with which they are involved.

Pillar III: Access to remedy

States must, as part of their duty to protect human rights, take appropriate steps to ensure that those affected by corporate human rights violations have access to remedy through judicial, administrative, legislative or other appropriate means

The three pillars apply to all states and all businesses, including funders of corporate operations.





HUMAN RIGHTS

CHAPTER 3

IDENTIFYING AND DOCUMENTING
HUMAN RIGHTS ABUSES BY BIG
BUSINESS

This chapter provides a guide for individuals and communities to effectively recognise and document human rights violations committed by Big Business. In doing so, affected communities can assert their rights, demand accountability, and drive positive change.



UNDERSTANDING HUMAN RIGHTS ABUSES BY BIG BUSINESS

The ultimate goal of Big Business is to generate profits for its shareholders. However, human rights abuses often result from profit-driven practices that disregard the well-being of surrounding communities.

The practical and legal frameworks outlined in Chapters 1 and 2 give rise to specific obligations which rest on big businesses. Where the business fails to meet those obligations which concern land use, environmental impact and interactions with surrounding communities, there is a risk that this constitutes a human rights violation.

forms depending on the industry concerned. These abuses may be intertwined and impact multiple aspects of community life, depending on the size, socio-economic profile and interests of each community.

Human rights abuses committed by big businesses can manifest in various



FREE, PRIOR AND INFORMED CONSENT (FPIC)

Free, Prior and Informed Consent (FPIC) is a crucial principle concerning projects that affect communities, their land and resources. FPIC is a fundamental human right and is enshrined in international agreements. FPIC entails:

Free:

Consent of the affected community is given voluntarily and without coercion.

Prior:

Consent is sought before any project activities commence and communities can fully engage before decisions are made.

Informed:

To have access to all relevant information about the project and understand the implications before giving consent.

Consent:

A meaningful agreement that should be respected where they have the right to approve or reject the project.

Businesses must respect each element of FPIC when engaging with communities. A failure to do so can constitute a human rights violation.

SCENARIO**A MINE IS GOING AHEAD EVEN
THOUGH YOUR COMMUNITY HASN'T
BEEN CONSULTED**

- If you have not done so already, you can call a community meeting to decide how to move forward, and form an organisation or structure to advance community interests
- If you need some advice, you can contact other mining communities and networks
- If you decide to pursue legal action, you can contact public interest lawyers who work with mining communities to challenge the mining right

Businesses must respect each element of FPIC when engaging with communities. A failure to do so can constitute a human rights violation.

CASE STUDY 1:

WILD COAST COMMUNITIES V SHELL



Background: Shell sought to conduct seismic surveys off the ecologically sensitive Wild Coast of the Eastern Cape to determine the feasibility of oil and gas extraction. The coastal communities and fishers living along the Wild Coast were opposed to these seismic surveys for being disruptive to their livelihoods and for implicating their spiritual and cultural rights.

Engagement Strategy: Affected communities, environmental organisations and activists collaborated to lodge a legal challenge to the DMRE's decision to grant an exploration right to Shell.

Outcome: The court challenge was successful, with the Court finding that the decision to grant an exploration right was procedurally unfair on several grounds including that Shell had not consulted with the affected communities – Shell's consultation with traditional leaders, and not with wider communities, was insufficient to be considered meaningful engagement. Essentially therefore, the requirement of FPIC had not been complied with. The decision to provide authorisation was set aside.

In the context of the Just Energy Transition, the particular human rights risks are similar to those posed by the centuries' old extractives industry; namely land dispossession, environmental degradation, labour rights violations, and a failure to consult the community. These risks will likely increase as the operations focusing on 'green' minerals will scale up to meet growing demand for renewable energy sources.

IDENTIFYING HUMAN RIGHTS ABUSES

To effectively identify human rights abuses by Big Business, communities should employ a multifaceted approach.

- **Engage with Community Members:** Foster open discussions within the community to share experiences, concerns, and observations related to big businesses' operations. Active engagement helps uncover hidden violations.

- **Community Organising:** An organised community is a powerful community. Hold regular community meetings, appoint representatives where appropriate, and agree on some organising principles around which to operate.
- **Community Capacitation:** Organise trainings and workshops to ensure that the community members are aware of their rights and the responsibilities of Big Business. NGOs can be contacted to assist with this.
- **Research and Data Collection:** Collect data on the business operations' land use, environmental changes, health impacts, and working conditions. Collaborate with experts or researchers to ensure accurate and credible information.
- **Community Mapping:** Create maps to visually represent changes in the community's landscape due to business operations. This can help identify encroachments on land, deforestation, pollution sources, and more.
- **Stakeholder Interviews:** Interview community members, workers, and other stakeholders who have first-hand knowledge of business practices. Their insights can reveal systemic issues and violations.
- **Document Incidents:** Maintain records of incidents related to human rights abuses, including dates, locations, and descriptions. Photo and video evidence can be particularly powerful.

Taking these proactive steps can better protect communities from divisive tactics and misinformation that businesses may employ to further their interests.



SCENARIO

YOU THINK THERE IS A MINE IN YOUR AREA THAT HAS NOT COMPLIED WITH ITS SLP OBLIGATIONS

- If you have access to the SLP, you can complete an audit by comparing the promised targets in the SLP with the reality on the ground
- If you conduct an audit, you can also support your claims with evidence by taking photos of areas where the mine has not complied with its SLP commitments
- If you find that the mining company has not been complying with its commitments, you can bring this to the attention of the DMRE
- If you do not receive a response or are not satisfied that the mining company's SLP obligations are being enforced, you can contact public interest lawyers for legal advice
- If you would like to create public awareness around this, you can contact journalists or write articles and publish photos of the impacts in your area in the media

DOCUMENTING HUMAN RIGHTS ABUSES

Comprehensive documentation of the negative effects of business operations is crucial for building a strong case and advocating for change in protection of human rights.

- **Compile Evidence:** Gather photographs, videos, testimonies, official reports, and any relevant documents that corroborate the identified abuses. This evidence lends credibility to your claims.
- **Impact Assessment:** Document the adverse impacts of the business' operations on the community's livelihoods, health, culture, and environment. Where possible, it helps to quantify (give a monetary value to) economic losses or declines in quality of life.
- **Community Testimonies:** Record personal stories and accounts from affected community members. These human narratives add emotional resonance to the documentation.

- **Expert Analysis:** Seek expert opinions on environmental, health, or economic impacts of the business operations to bolster your case. Expert analyses provide authoritative perspectives.
- **Cross-Referencing Social and Labour Plans (SLP):** If the business is undertaking mining, then it must have an SLP. Consult the SLP to understand what the business has undertaken in relation to surrounding communities, and cross-reference those undertakings to the realities on the ground – have the undertakings been fulfilled? If so, what does that look like. If not, what is missing?
- **Cross-Referencing Laws and Regulations:** Highlight violations of national and international laws, regulations, and standards that

protect human rights and the environment. Resources on how to access legal advice are included in Chapter 7.

- **Chronological Timeline:** Create a chronological timeline of events showcasing how human rights abuses unfolded over time. This provides context and strengthens the narrative.

In the context of the Just Energy Transition, the particular environmental impacts of different forms of mining become increasingly relevant. Likewise, the form of mining and the mineral/s concerned is relevant in determining whether the business' operations are furthering the low-carbon agenda, or continuing the reliance on fossil fuels.

MAINTAINING SECURITY AND SAFETY

When documenting human rights abuses, always prioritise the safety and security of community members.

- **Anonymity and Protection:** Conceal the identities of vulnerable individuals to protect them from potential harm or reprisals.
- **Heightened Care for the Most Vulnerable:** Recognise that some community members are more vulnerable than others, and protect them accordingly. This includes women, the elderly, persons with disabilities, sexual and gender minorities, and children.
- **Secure Storage:** Safeguard collected evidence in secure locations to prevent tampering or destruction.

- **Digital Security:** If using digital tools for documentation, use encryption and secure communication channels to prevent unauthorized access.
- **Legal Support:** Consult legal experts who can provide guidance on the potential legal implications of your documentation efforts. *Resources on how to access legal support are included in Chapter 7.*
- **Mental Health Support:** Human rights violations are traumatic for both those who experience them and those who document them. Ensure that all involved are taking care of their mental health by speaking about their concerns with loved ones, and taking regular breaks to prevent burnout.

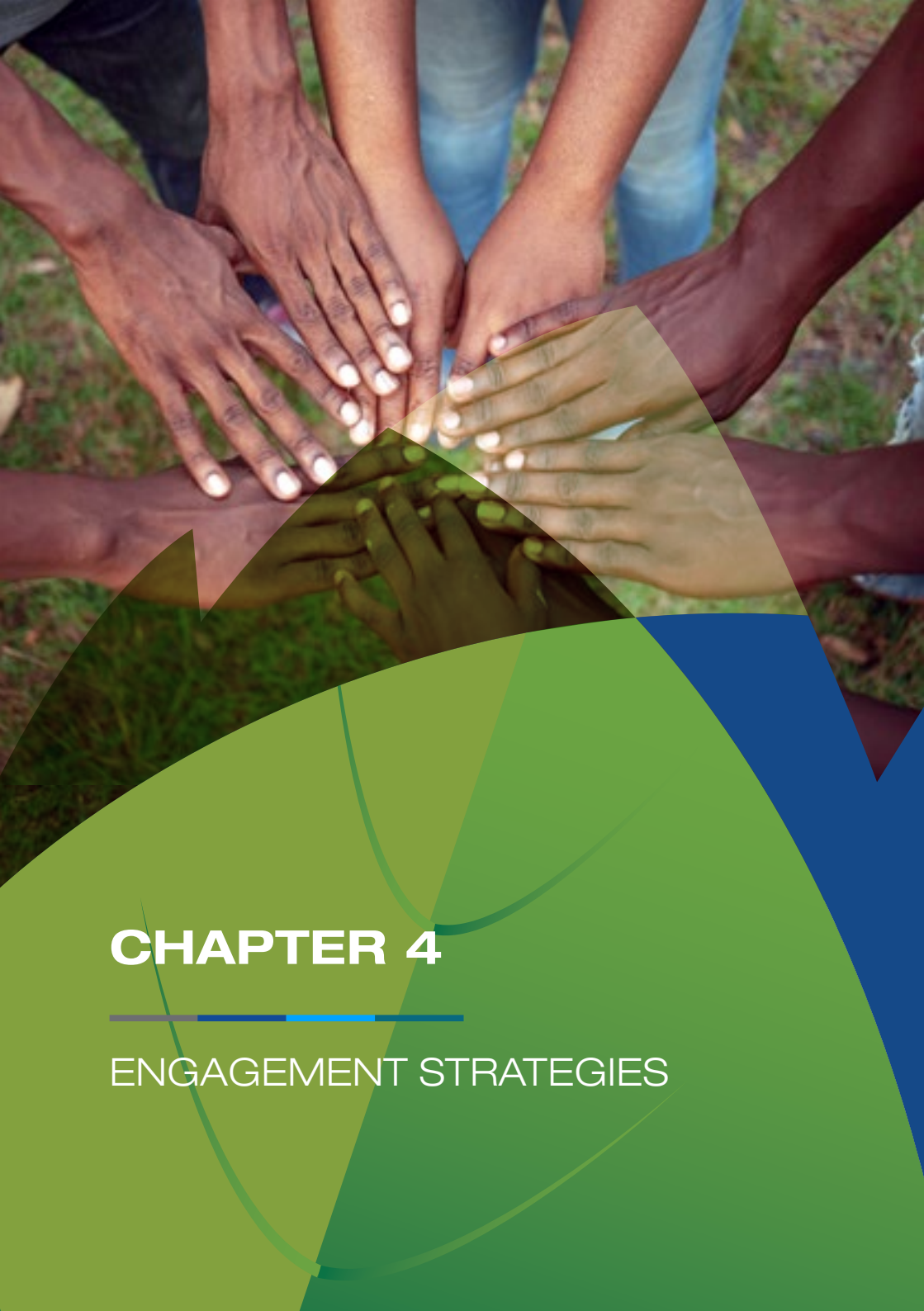
COLLABORATION AND AWARENESS

Collaboration and raising awareness of human rights abuses by Big Business are pivotal for creating impact.

- **Solidarity Building:** Engage with other communities affected by similar or related business violations, to share expertise, build solidarity and learn from one another.
- **Alliance Building:** Partner with human rights organizations, legal experts, journalists, and environmental advocates who can amplify your cause and contribute expertise.
- **Media Engagement:** Utilize the media to share your documented findings with the public. Investigative journalism can play a crucial role in shedding light on abuses. Advocacy tools such as radio and television interviews can also be used as a form of media engagement that plays an important role.
- **Community Education:** Educate community members about their rights, the documented abuses, and the collective efforts being undertaken to address them.

Big Business often seeks to divide affected persons and communities to prevent collaboration and solidarity. Do not succumb to those tactics – collaborate across geographical, language and cultural lines for the most effective campaign.

By effectively identifying and documenting human rights abuses committed by Big Business, affected communities can assert their rights, demand accountability, and drive positive change.



CHAPTER 4

ENGAGEMENT STRATEGIES

This section explores diverse strategies for human rights defenders to engage with companies and stakeholders on Business and Human Rights matters. While the strategies are not all-encompassing, their effectiveness depends on the unique contexts in which defenders operate, and their specific objectives in each instance.



PRECAUTIONARY MEASURES BEFORE ENGAGING BIG BUSINESS

Community activists often face significant risks to their safety and livelihoods due to their commitment to upholding human rights in the face of harmful business activities. These activists frequently experience threats, surveillance, intimidation, violence, and even loss of life. The alarming trend of attacks and intimidation against those opposing detrimental business operations or large development projects is of grave concern.

Prior to engaging with businesses regarding human rights concerns, it's

essential for community members to assess potential risks. They should gather information about the business and its history of responding to queries and criticism, as well as the local law enforcement's commitment to ensuring safety. The presence of corruption within law enforcement or government agencies, as well as the level of media freedom, should also be considered. The answers to these questions will guide the appropriate steps to address human rights abuses effectively and responsibly.

ENGAGEMENT WITH A VIEW TO PREVENT AND MITIGATE HUMAN RIGHTS VIOLATIONS BY BIG BUSINESS

There are several engagement strategies that can be adopted when engaging with big business in the pursuit of preventing and mitigating human rights violations by big businesses.

LOBBYING/INFORMAL ENGAGEMENT

There are circumstances in which it may be more beneficial to first attempt *informal engagement* with business, to try to bring about change cooperatively.

These approaches are also applicable when engaging with shareholders and governments. One strategic method is lobbying, which involves addressing businesses, directors, parent companies, and even foreign investors.

- **Letters:** letters serve as a powerful tool for advocacy, allowing concerns to be raised and specific actions requested in a courteous manner. These letters can be directed to various recipients such as local government officials, newspaper editors, embassies, and company representatives. The impact of this approach is multifaceted: numerous letters collectively reflect societal awareness and concern, individualised letters showcase a profound understanding and personal investment, and letters from respected figures hold significant influence in driving change.
- **Petitions:** Petitions serve as valuable tools to channel group efforts and public engagement, offering a straightforward and cost-effective means, especially with online platforms. They effectively demonstrate public and community support levels, acting as a focal point for collective advocacy.
- **Public Events, Protests and Demonstrations:** protests and demonstrations are significant tactics for lobbying, particularly at the local or group level. To ensure an event is effective and as safe as possible, it is important to be clear about the risks and what they are trying to achieve.
- **Coordinated campaigning and alternative summits:** organising alternative forums at big business gatherings can be an important tool for lobbying, raising awareness, and fostering change. Coordinated and widespread civil society campaigns can also be effective in this endeavour.



RULES FOR ORGANISING A PROTEST

When organising a gathering (march, picket, or protest), the number of attendees will determine the legal requirements under the Regulation of Gatherings Act 205 of 1993.

- If there will be 15 or less attendees: This is termed a “demonstration” and you do not need to give notice to the Municipality.
- If there will be 16 or more attendees: The organiser of the gathering must notify the responsible officer from the Municipality – this process is called “giving notice”.

Notice forms can be found at the offices of your Municipality.

If you encounter any challenges with giving notice or are unclear on this process, please call the Right to Protest Hotline (toll-free) on 0800-212-111.

Additional resources for organising a protest are included in Chapter 7.



CASE STUDY 2:

WILD COAST TOLL ROAD PROTESTS

Background: A proposed toll road to be constructed through the Wild Coast region in the Eastern Cape threatened the environment and livelihoods of local communities. The project was initiated by a consortium involving a large construction company.



Engagement Strategy: Affected communities, environmental organisations and activists collaborated to raise awareness of the proposed toll road’s potential impacts. They organised public meetings, petitions, and media campaigns to garner support.

Outcome: The sustained efforts of the communities and activists led to a re-evaluation of the toll road project. The project was eventually suspended due to legal challenges and public pressure. The engagement showcased the power of community mobilisation and collaboration.

MEDIA

The media wields the power to amplify voices that are otherwise unheard or ignored. When strategically employed, its coverage holds the potential to galvanise responses and influence public policy makers. Unveiling human rights violations in the public domain empowers community members to exert pressure, holding both businesses and governments accountable, and offering an essential counter-narrative. Business is precious about its reputation, and the media is one way to target that reputation and prompt a quick response. This approach also has the capacity to reshape societal perceptions by acquainting the public with ground-level realities.

Media advocacy requires a carefully planned strategy, effective messaging, an understanding of relevant media outlets, and an awareness of which media tools will best suit the strategy. A **media strategy** should be developed prior to any communication with the media, which should:

- identify the specific issue;
- determine possible solutions;
- centre the most vulnerable community members to tell the most impactful story; and
- include suggestions of particular steps that can be taken to achieve the proposed possible solutions.

Designating a **spokesperson** – an individual within the community selected to communicate with the media on behalf of the community – can facilitate effective media advocacy. The fewer voices involved in media communication, the greater the likelihood of conveying a consistent and lucid message.

The following are some media tools that can be used:

- **Investigative Journalism:** Investigative journalism is a form of reporting that involves in-depth research, thorough examination, and analysis to uncover hidden truths, expose corruption, reveal wrongdoing, and shed light on issues that might otherwise remain obscured. Examples include Daily Maverick, amaBhungane, Mail & Guardian, Ground Up, SABC's Special Assignment, Sunday Times' Investigative Team and News24's Special Investigations Unit.
- **Media Briefings:** Media briefings are formal communication sessions to provide members of the media with information, updates or announcements relating to a specific topic, event or issue. It is an opportunity for organisers to convey key messages to the public through journalists and news outlets.
- **Interviews:** Interviews are a fundamental tool used by journalists to obtain firsthand accounts and

expert analysis to inform news stories, articles, or broadcasts. Interviews take place in various formats, including in-person, over the phone, via video conference or through written correspondence. It serves to inform and engage the public with credible sources and diverse perspectives.

- **Press Releases:** Press releases typically provide concise and factual information about a subject matter, including key details, quotes and contact information for further inquiries. It is a way for organisations to control the narrative and ensure accurate reporting to the public.
- **Media Conferences:** Media conferences are a common method for organisations to communicate with the press and public simultaneously. It involves a spokesperson that provides information quickly and accurately while allowing for immediate follow-up questions.
- **Letter to the Editor:** Letters to the editor provide an avenue for individuals to share their views, feedback, and concern with a broader readership of a particular publication. This form of engagement allows for diverse perspectives and community engagement within the publication.

- **Op-eds (short for ‘opinion editorial’):** Op-eds are authored by individuals who are not part of the publication’s editorial staff. It expresses the author’s personal viewpoint or expertise on a particular issue, topic, or current event. It aims to provide informed perspectives, analysis or arguments that will contribute to public discourse.

- **Social Media:** Social media is an online platform or website that enables individuals and organizations to create, share and interact with content in a virtual social environment. It serves as a significant part of contemporary media which encompasses of a wide range of platforms such as Facebook, Twitter, Instagram, LinkedIn, TikTok and more. Each platform may offer a unique opportunity for live engagement, such as Twitter Spaces or a live broadcast on YouTube.

It is important to recognise that “the media” is not an invulnerable entity; it comprises individual journalists who may themselves be vulnerable and find themselves targeted.

ENGAGEMENT WITH COMPANIES

Where possible, directly engaging with a company and establishing a good working relationship can be an effective way to protect human rights.

Useful tips for approaching and engaging Big Business:

- Have a clear objective and anticipated outcomes before engaging
- Carefully assess your potential impact to avoid being exploited for superficial engagement – this is known as ‘greenwashing’
- Initiate contact with companies during their decision-making phase
- Consider releasing well-researched, evidence-based reports to prompt negotiations
- Thoroughly research the company’s profile, activities, and human rights policies – this information can most often be found on the company’s website
- Base your approach on informed, systematic exchanges, understanding corporate risk and investment decisions
- Arrange face-to-face meetings for effective dialogue with the company
- Remind the company of its responsibility to uphold human rights, referencing the United Nations Guiding Principles and the applicable legal framework (see Chapter 2)
- Highlight the potential higher costs for companies which neglect engagement with rights holders

- Keep good records of all communications with the company, including minutes of any meetings
- Establish follow-up actions tied to feasible tasks to foster ongoing dialogue
- Be realistic about what a company will do and let this inform your requests

Suggested Discussion Prompts:

- What are the company’s views on human rights and its role in respecting human rights?
- Does the company have a code of ethics or a human rights policy? If so:
 - » Who is responsible for its implementation?
 - » How is it implemented – for example, is it used when training managers?
 - » How is it monitored?
- How are human rights incorporated into the company’s code of ethics?

SCENARIO

YOU HEAR RUMOURS OF A NEW MINE ARRIVING IN YOUR AREA

- If there are large trucks in the area, you can simply ask the drivers for the name of the mining company
- If you find the name of the mining company, you can try to find contact details by searching online or asking community leaders or NGOs
- If you know the contact details, you can ask questions about the project, who gave the company permission to mine, if the company already has a mining right or is still applying for a mining right
- If the company is applying for a mining right, you can ask about how to get involved in the public participation process and request a meeting about the SLP

ENGAGING SHAREHOLDERS AND STRATEGIC ALLIANCES

Shareholders can use their power as owners of companies to facilitate change, and so can be key people to approach when advocating for change. Shareholders can be indirectly lobbied or directly engaged, much like the company itself.

Shareholder activism is another option; community members can become shareholders in the company by purchasing a minimum number of shares. They then gain access to the company's decision-making processes, and have a right to comment and input on such decisions.

ENGAGING THE STATE AS THE REGULATOR

As detailed in Chapter 1, the State is a critical role-player when it comes to business operations and the protection of human rights. The State is empowered by the Constitution to govern in a manner that is effective, transparent, accountable and coherent. The State has three spheres which are distinctive, interdependent and interrelated, namely:

- **National:** The President, Cabinet, National Assembly & National Council of Provinces

- **Provincial:** The Premier, Members of Executive Council (MECs), Provincial Legislatures
- **Local:** Mayor, Municipalities, Municipal Councils, Ward councillors

The State's responsibilities include regulating the conduct of Big Business to ensure that business operations are compliant with legislation, and that businesses are not violating human rights.

Two particularly important State institutions for the Just Energy Transition are the Department of Mineral Resources and Energy (DMRE) and Department of Forestry, Fisheries & the Environment. Together, these Departments, their Ministers and officials will work closest with businesses in the extractives industry, and are tasked with regulating those businesses' conduct.

It might therefore be strategic in some instances to first approach the relevant State institution which regulates the business concerned, to engage with them and prompt them to better perform their regulatory duties over business. Often, those duties include ensuring that the business is properly engaging with the community. In this way, you are making use of the State's regulatory power to ensure that human rights are better protected.

INSIDE THE WORKPLACE: WIELDING WORKER POWER

As mentioned above, workers are a key stakeholder in the fight against corporate human rights violations. While companies will try to divide workers and communities to dilute their combined power, these two constituencies should try as much as possible to work together to achieve common goals.

Within the workplace, there are important rights and related structures enshrined in the Constitution and legislation which empower workers to align and wield their power when engaging the company. These include the right to fair labour practices, the right to join a trade union, the right to strike, and the right to collective bargaining.

Collective action such as strikes and collective bargaining are important sites for engagement with the company in a manner that addresses and negates any power imbalances, and places the workers in a dominant position to make demands with which the company must comply.

If communities and workers align, these processes can be utilised for the benefit of both groups of stakeholders to force direct engagement with the company and push for agreed demands.

Importantly, the Just Energy Transition must deliver justice also to workers. This means that workers engaged in

fossil fuel industries must be appropriately upskilled to enable them to find sustainable employment in new 'green' industries. An energy transition which leaves either workers or communities behind is not just, and cannot be allowed to process.

Communities should therefore always seek to engage and align with workers, for the best outcome for both stakeholders in relation to the company.





CHAPTER 5

REMEDIES FOR CORPORATE
HUMAN RIGHTS VIOLATIONS

This section details the key remedies available to communities when they fall victim to human rights violations committed by Big Business. The decision to pursue a remedy, and the particular preferred remedy, must always be the choice of the victim/s. When taking those decisions, the victim/s should consider the nature of the harm they suffered, and their vision for a future in which that harm is made good, in order to determine which remedy is best suited for their circumstances.



DOMESTIC COMPLAINTS MECHANISMS (NON-LITIGIOUS)

The following options are non-litigious, meaning that they are processes that do not involve the Courts or even require legal representation. Litigation is a long-winded and expensive process, and so non-litigious options often offer swifter and more accessible relief for victims. The extent of the remedy available through these mechanisms is, however, often limited.

ADMINISTRATIVE AVENUES

Certain domestic legislation provides for administrative processes that can assist victims of corporate human rights violations in holding the company responsible for certain aspects of its conduct. These processes are however limited in both scope and outcome, as they are strictly governed by the wording of the legislation concerned.

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right to access information by empowering an individual to request

access to information that is either publicly or privately held. For example, this could allow communities to request that the State provide them with written agreements it has concluded with Big Business, or to request that a particular company which is performing a State function (such as, provision of water to a community) provide them with its human rights policies.

The Promotion of Administrative Justice Act (PAJA) allows a community to challenge any administrative decisions taken by the State which have affected their rights. This empowers communities to participate in processes and decisions affecting their rights, and ensure that those processes and decisions are taken properly and without undue influence. For example, a community could challenge a decision of the State to grant a mining license to a particular company, if it has evidence that the company has failed to provide the environmental protections required by legislation.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

The SAHRC serves to raise awareness of human rights issues through monitoring and assessing the observance of human rights, conducting training on human rights; and addressing human rights violations and seeking effective redress.

Any victim of a human rights violation is empowered to lodge a complaint against the perpetrator with the SAHRC. The SAHRC must then investigate that complaint, and reach a decision thereon. The SAHRC is well-resourced and thus able to properly investigate complaints, meaning that the burden of the investigation does not rest on the victim/s.

The SAHRC is also staffed with constitutional and human rights experts, who understand the nature and scope of the human rights enshrined in the Constitution, and can therefore determine where a violation has occurred.

The individual/entity against whom the complaint is lodged can be any individual,

group or persons, organisation or entity (including a company). The SAHRC will reach its decision accordingly.

REFERRAL TO THE COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION (CCMA) – FOR WORKERS

A worker who believes that their employer has treated them unfairly or otherwise violated their labour rights may lodge a complaint with the CCMA, through its prescribed processes. The CCMA will then appoint a commissioner to mediate between the parties, trying to achieve conciliation. If mediation/conciliation fails, the commissioner will then conduct an arbitration between the parties to resolve the matter. In a mediation, the worker must bring evidence to prove that the employer committed the unfair conduct, and the employer may then defend itself.

The CCMA is also empowered to mediate broader disputes, such as between a trade union and an employer, and can thus also be a site of collective bargaining.

DOMESTIC LITIGATION

The following are litigious options, being centred around court cases. Litigation requires resources such as access to legal representation, but it is often the best opportunity to access a wide-ranging remedy for human rights violations. Litigation can be a long process and there is no certainty it will succeed. Deciding to go to court should only be done after careful thought and discussion within the community. You can then reach out to lawyers such as those listed in Chapter 7.

CRIMINAL CHARGES

If the victim believes that the perpetrator has committed a crime in the process of violating their rights, then they may open a criminal case. This involves attending at a police station and following the police processes to lay a charge. This will include detailing the circumstances of the alleged crime, answering police questions and providing them with any relevant evidence.

The police will then investigate the charge. If, after investigating, they find that the perpetrator has likely committed the crime as alleged, they will refer

the matter to the National Prosecuting Authority (NPA). The NPA is then tasked with prosecuting the perpetrator in the criminal courts. If the judge or magistrate finds that the accused is guilty of the crime as alleged, they must then impose an appropriate sentence.

In specific instances, a company can be the accused in a criminal case. In other cases, it might be best to lay the charge against the company's directors, as decision-makers who enabled the criminal conduct.

CIVIL APPLICATION IN THE COURTS

Where the company has violated the victim's rights but that conduct did not constitute a particular crime, then a civil application may be lodged against the company for financial compensation as a remedy for its offending conduct. This may be appropriate when the company has disregarded the particular requirements of legislation, or otherwise violated the victims' human rights.

CASE STUDY 3:

XOLOBENI COMMUNITY / AMADIBA CRISIS COMMITTEE VS MINING COMPANIES



Background: The Xolobeni community in the Eastern Cape faced the potential threat of titanium mining by large multinational corporations. The community's land held cultural significance and supported their livelihoods through agriculture and eco-tourism.

Engagement Strategy: The community engaged in a sustained campaign that combined legal action, grassroots mobilisation, and media advocacy. They held public meetings, organised peaceful protests, and collaborated with environmental organisations.

Outcome: The community's efforts drew national and international attention, leading to a temporary halt on the mining project. The legal action resulted in a landmark court ruling affirming the community's right to decide to refuse mining on their land – termed the "Right to Say No".

INTERNATIONAL COMPLAINTS MECHANISMS

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) MEMBER STATES' NATIONAL CONTACT POINTS (NCP)

The OECD is an intergovernmental organisation based in Paris that develops and promotes social and economic policies. The OECD has developed its Guidelines for Multinational Enterprises as a set of voluntary recommendations that represent a commitment from OECD member states towards the responsible behaviour of their multinational

corporations.

The Guidelines establish NCPs in each OECD member state. Persons affected by the operations of a company registered or operating in an OECD member state, which operations violate the Guidelines, can lodge a grievance at the NCP of the country from which the company comes.

This process is focused on mediating between the affected party and the company, and requires less technical expertise and resources than bringing

a court case. It offers remedies such as compensation from the company for its negative impacts, or requiring the company to improve its operations so as to prevent impacts.

FINANCIAL INSTITUTIONS' GRIEVANCE MECHANISMS

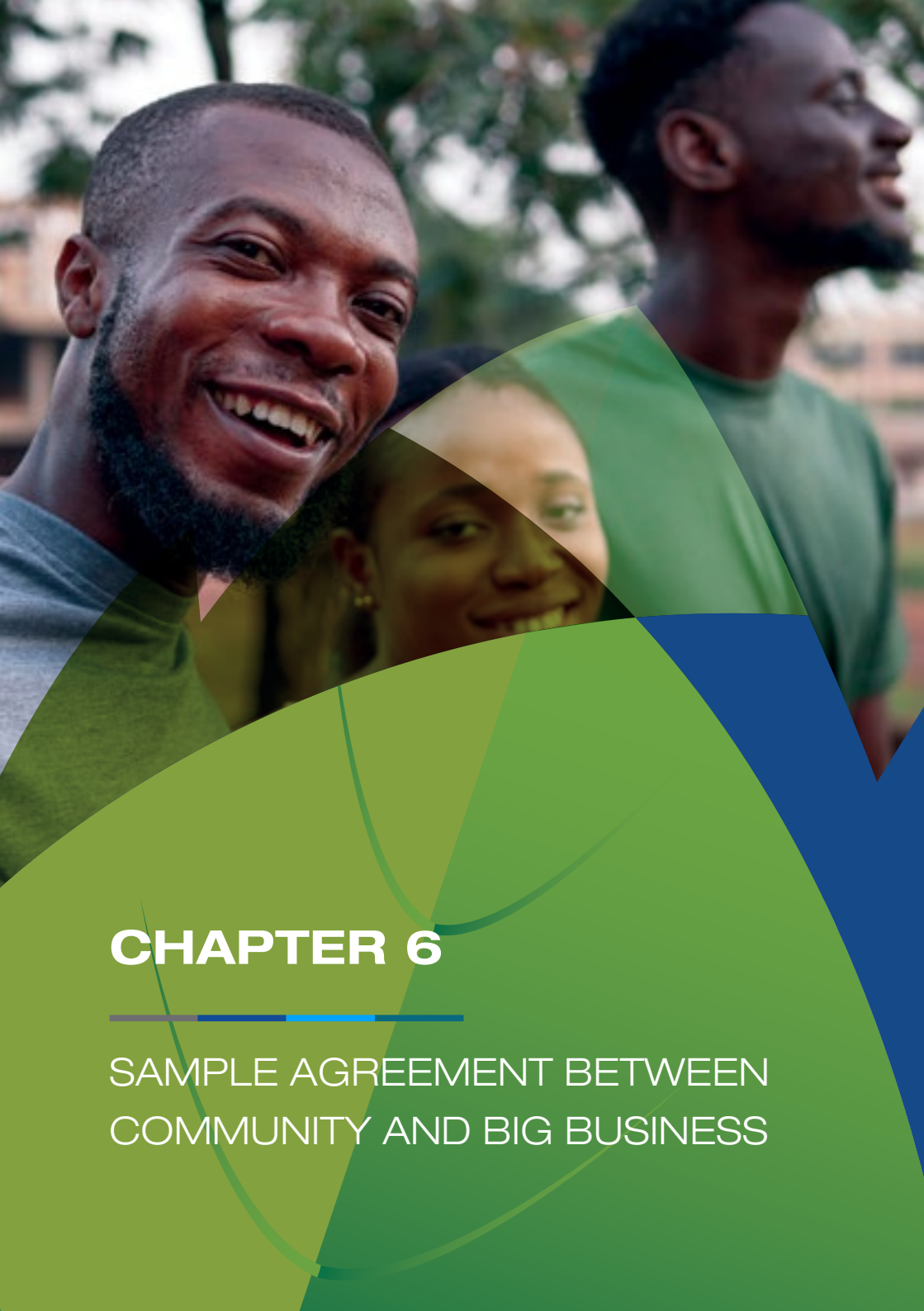
Some banks which finance corporate operations will have their own internal mechanisms through which persons affected by the operations which they have financed can lodge grievances. These are referred to as Independent Accountability Mechanisms (IAMs) and

should operate independently from the bank and with transparency.

Where the grievance is found to be valid, the mechanism must in turn provide for any violations to be remedied and compensated for, if need be.

Examples of IAMs exist at the World Bank and the African Development Bank, both of which are multilateral development banks which fund big infrastructure projects through which states pursue development.





CHAPTER 6

SAMPLE AGREEMENT BETWEEN
COMMUNITY AND BIG BUSINESS

This chapter provides a sample agreement template that can be used as a starting point for crafting an agreement between rural communities and Big Business. Please note that these templates should be customised and reviewed by legal experts to ensure they align with specific legal and contextual requirements.



SAMPLE COMMUNITY/COMPANY AGREEMENT FOR RESOURCE DEVELOPMENT

Parties:

- [Community Name], represented by [Community Representative]
- [Company Name], represented by [Company Representative's Name]

Background:

This agreement outlines the terms and conditions for collaboration between [Community Name] and [Company Name] concerning [Nature of Project] within the [Geographical Area].

Objectives:

- Promote sustainable development that benefits both the community and the company.
- Protect the environment and cultural heritage of [Community Name].
- Ensure meaningful participation, transparency, and benefit-sharing.
- Enhance livelihoods and ensure equitable benefit-sharing by the [Community Name].

Terms and Conditions:

1. Project Overview:

- [Describe the nature and scope of the project.]
- [Specify the timeline and phases of the project.]
- [Outline the project's expected outcomes.]

2. Community Participation:

- The company agrees to engage in open and regular consultations with the community regarding project planning, implementation, and impacts.
- The community will provide input, concerns, and recommendations throughout the project.

3. Environmental and Cultural Protection:

- The company will ensure compliance with environmental regulations and mitigation measures to minimize environmental impacts.
- The company commits to implementing measures to protect cultural sites including [stipulate the names of cultural sites to be protected].
- The community agrees to provide traditional knowledge and insights to inform project design and minimize negative effects.
- The community will actively participate in monitoring and reporting any adverse environmental effects of the project.

4. Benefit-Sharing:

- The company agrees to provide economic benefits to the community, including job opportunities, skills development, and local procurement. In particular: [Detail the particulars of the company's commitments, including timelines].
- [Stipulate percentage] per cent of project profits will be allocated to community development initiatives, such as education, healthcare, and infrastructure. Those funds will [detail structures for decision-making and spending of funds].
- Project-related infrastructure will be designed to benefit the community in the long term.

5. Compensation and Resettlement:

- If any community members are displaced or affected by the project, the company will (1) provide appropriate advanced warning, (2) provide fair compensation, and (3) provide support for relocation to enable those community members to continue living a dignified life which protects their cultural heritage.
- Fair compensation will be determined through mutual agreement and adherence to applicable laws.

6. Grievance Mechanism:

- A grievance mechanism will be established to address community concerns arising from the project in a prompt and transparent manner.
- Complaints will be reviewed, and appropriate actions will be taken to resolve them.

7. Dispute Resolution:

- Any disputes arising from this agreement will be resolved through negotiation and mediation.
- If resolution is not achieved, a mutually agreed-upon arbitrator will be appointed.

8. Review and Monitoring:

- Regular project reviews will be conducted between the company and the community to assess progress, impacts, and community benefits.
- Adjustments to the agreement may be made based on the outcomes of reviews.

Signatures:

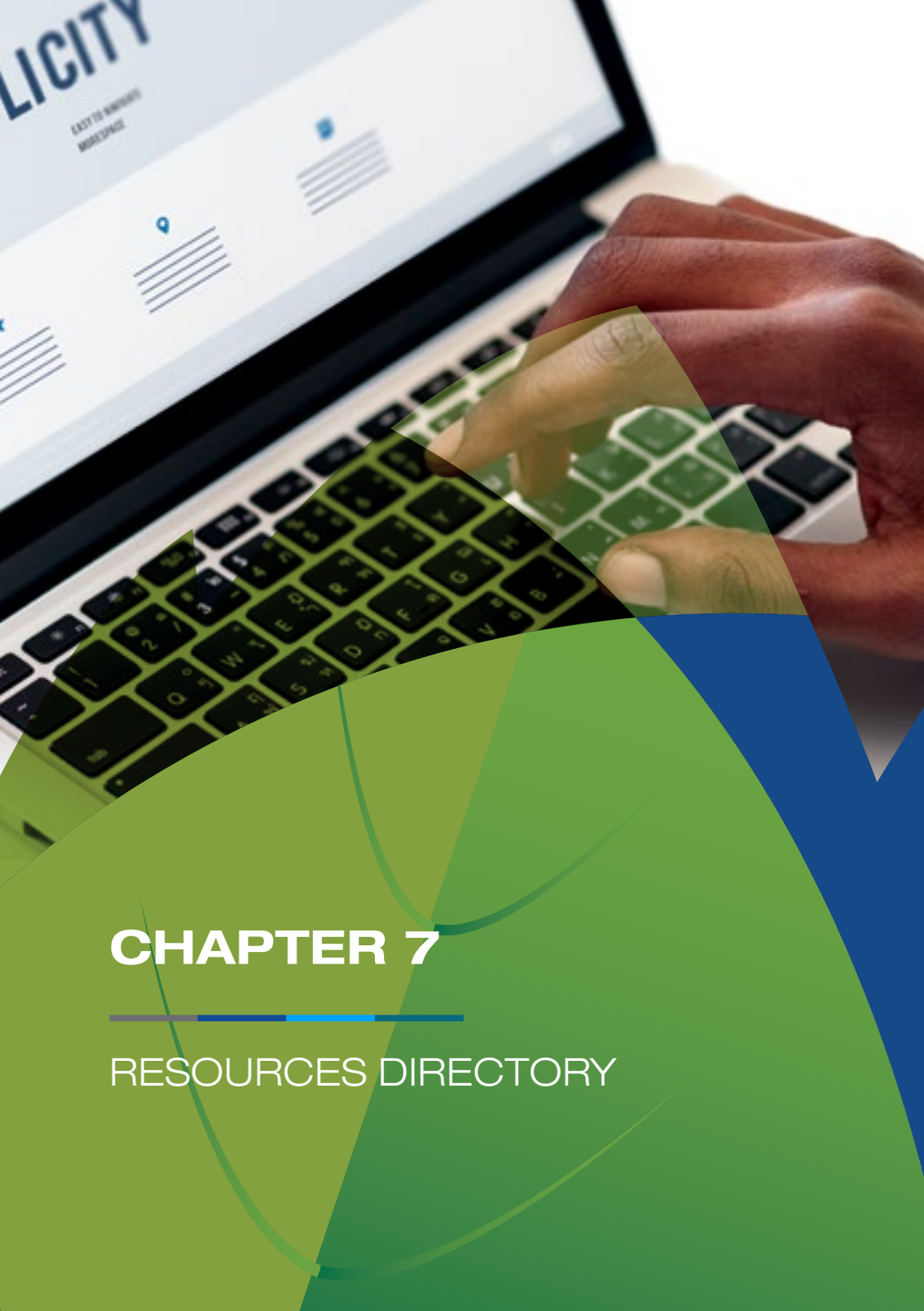
By signing below, the parties acknowledge their agreement to the terms outlined above.

[Community Name]

Signature: _____ Date: _____

[Company Name]

Signature: _____ Date: _____



CHAPTER 7

RESOURCES DIRECTORY

The success of community engagement with Big Business hinges on access to a network of support, guidance, and expertise. This chapter provides a list of organisations, legal services, experts and other resources that are available to assist rural communities affected by Big Business, particularly in the domains of renewable energy and mining. These resources are intended to equip communities with the knowledge, tools, and assistance they need to navigate the intricate landscape of business operations and human rights.



CHAPTER 9 INSTITUTIONS

South African Human Rights Commission

Tel: 011 877 3600 (National)
www.sahrc.org.za

Public Protector

Tel: 012 366 7000 (National)
www.pprotect.org

PUBLIC INTEREST LEGAL ORGANISATIONS

Centre for Applied Legal Studies (CALS)

Tel: 011 717 8600
www.wits.ac.za/cals

Centre for Environmental Rights

Tel: 011 447 1647
Email: info@cer.org.za
cer.org.za/

Lawyers for Human Rights

Tel: 011 339 1960
www.lhr.org.za

Legal Resources Centre

Tel: 011 038 9709
www.lrc.org.za

COMMUNITY MOBILISATION ORGANISATIONS

Mining Affected Communities United in Action (MACUA) / Women Affected By Mining United in Action (WAMUA)

Tel: 010 007 2137
Email: info@macua.org.za
www.macua.org.za

OTHER RELEVANT ORGANISATIONS FOR COMMUNAL ACTION AND ADVICE

Right2Protest

Hotline (toll-free): 0800 212 111
www.r2p.org.za

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NOTABLE MINING COMPANIES IN THE 'GREEN'/ TRANSITION/'CRITICAL' MINERALS INDUSTRY

Anglo American Platinum

www.angloamericanplatinum.com

ARM Platinum

arm.co.za/arm-platinum

Assmang (manganese)

assmang.co.za

Implats (platinum)

www.implats.co.za

Ivanhoe Mines Platreef Project (platinum)

www.ivanhoemines.com/projects/platreef-project

Kalagadi Manganese

www.kalahariresources.co.za

Kumba Iron Ore

www.angloamericankumba.com

Northam Platinum

www.northam.co.za

Platinum Group Metals

platinumgroupmetals.net

Richards Bay Minerals (Rio Tinto) (heavy mineral sands)

www.riotinto.com/en/operations/south-africa/richardsbayminerals

Royal Bafokeng Platinum

www.bafokengplatinum.co.za

Samancor Chrome

samancorcr.com

Sibanye Stillwater (platinum)

www.sibanyestillwater.com

South32 (aluminium & manganese)

www.south32.net

Tshipi e Ntle Managanese Mining

www.tshipi.co.za

Vedanta Zinc International

vedanta-zincinternational.com/service/black-mountain

Wesizwe Platinum

www.wesizwe.co.za

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OTHER ONLINE RESOURCES

Business and Human Rights Resource Centre

An online platform that tracks business-related human rights abuses and provides information, resources, and advocacy tools for affected communities.

www.business-humanrights.org/en

Presidential Climate Commission

An independent, statutory, multistakeholder body which oversees and facilitates South Africa's just and equitable transition towards a low-emissions and climate-resilient economy.

www.climatecommission.org.za

Remember to utilise these resources for tailored support and advice based on your community's specific needs. It is essential to collaborate with experts and organisations that can empower your community to effectively engage with Big Business while safeguarding your rights and interests, and retaining your ownership of the process.



CALS

Centre for Applied
Legal Studies

