

Minerals Council South Africa: HUMAN RIGHTS FRAMEWORK

Fact sheet



**MINERALS COUNCIL
SOUTH AFRICA**



Anglo American Platinum

“The Minerals Council is taking the lead by providing guidance on the notion of business respect for human rights.”

QUICK FACTS



HUMAN RIGHTS FRAMEWORK

Provides guidance on business respect for human rights in the South African mining context

Has been drawn from the UN Guiding Principles on Business and Human Rights (UNGPs)

Seeks to offer more substance to the Membership Compact's undertaking to respect fundamental human rights

Aims to assist with compliance with existing laws

Is a living document which will continue to be developed through consultation with members, independent experts and other stakeholders

CONTEXT

The Minerals Council's [Human Rights Framework*](#) outlines a set of management practices which provide guidance to members on business respect for human rights in the South African mining context. The Framework has been developed in line with the UN Guiding Principles on Business and Human Rights (UNGPs) adopted in 2011.

While the UNGPs are voluntary, there has been increased interest by governments to shift to mandatory principles. In October 2018, the United Nation's Human Rights Council mandated the Inter-Governmental Working Group (IGWG) to prepare a draft legally binding instrument to regulate business activities.

Further, a number of member companies have voluntarily adopted the UNGPs or are considering doing so.

Against this background, in December 2018 the Minerals Council Board considered and approved the adoption of a human rights framework for the mining industry.

WHY THE FRAMEWORK IS NEEDED

It is today a widely accepted convention that business enterprises should, as the UNGPs state, respect human rights. In doing so, business should understand what these rights are and how their operations could have an impact on human rights. With this development, there is a universal expectation that business should do more than say that they respect human rights, but also show the measures they have put in place to do so, their performance and, where rights have been infringed, the mitigation and remediation measures they have adopted.

*www.mineralscouncil.org.za/downloads/send/22-special-features/721-human-rights-framework

Minerals Council members are expected to subscribe to and observe the Minerals Council's Membership Compact as a condition of membership. See the Membership Compact online at: www.mineralscouncil.org.za/special-features/158-membership-compact

The Human Rights Framework seeks to offer more substance to the Compact's fourth principle, that is, to respect fundamental human rights and respect cultures, customs and values in dealing with employees and others who are affected by the members' activities. Adoption of this framework, we believe, is not only a step towards becoming better corporate citizens but will also directly benefit shareholders' interests through intensifying the social license to operate.

The Minerals Council believes the Human Rights Framework could become a binding requirement of membership, as the Membership Compact is today. This will be reviewed in the future.

PRINCIPLES

This Framework is largely based on the UNGPs, though not exclusively. The UNGPs offer the most advanced and widely accepted framework on business and human rights, serving as an authoritative standard. Reference and guidance have also been drawn from the International

Finance Corporation's (IFC) Performance Standards on Environmental and Social Sustainability and the International Council of Mining and Metals (ICMM) Standards. All rights in the International Bill of Human Rights; International Labour Organisation's Fundamental Principles and Rights at Work and supplementary international human rights instruments are applicable. This is in addition to domestic human rights instruments, with reference to South African Constitution's provisions, particularly the Bill of Rights. While the Framework uses several international principles of human rights standards as its basis, the industry issues it recognises are specific to the South African mining context.

THE DEVELOPMENT OF THE FRAMEWORK

While the Framework has been approved by the Board, it is intended to be continuously refined and developed following further consultation with members, independent experts and other stakeholders. It is a living document. There will be further consultations on:

- Implementation of the Framework
- Building on the Voluntary Principles on Security and Human Rights
- Development of grievance management mechanisms and conducting of human rights due diligence
- The Free Prior and Informed Consent (FPIC) principle and Resettlement Guidelines

IMPLEMENTATION

Members of the Minerals Council will be asked to subscribe to the principles and commitments outlined in the Human Rights Framework as they do to other agreements, such as the Presidential Framework Agreement for a Sustainable Mining Industry and the Framework for Peace and Stability in the Mining Industry. The Framework does not intend to replace compliance with existing laws or limit any legal obligation. It aims rather to assist with enhancing compliance with existing laws, and with local and international norms and standards through preventative measures, mitigation and providing mediation where human rights impacts are unavoidable. While recognising that all rights need to be respected, the Minerals Council has identified several key areas for the industry where special attention is required, including:

- Environmental management and conservation
- Health and safety
- Governance and ethics
- Security and human rights
- Transformation
- Human rights in the workplace
- Land-use and resettlements
- Development of grievance mechanisms

The Framework outlines the steps needed to respect human rights, including carrying out of human rights due diligence exercises, and what should be done with due diligence findings, especially those with potential adverse human rights impacts, including ongoing monitoring and communication with affected stakeholders. It advocates the need to strengthen compliance mechanisms and to provide equitable redress where human rights impacts are unavoidable. An implementation process has been adapted from the UNGPs recommended steps:

Phase 1: Leadership Commitment

Phase 2: Policy Statement

Phase 3: Human Rights Due Diligence and Stakeholder Engagement

Phase 4: Internal Integration

Phase 5: Monitoring

Phase 6: Communication

Phase 7: Remediation and grievance management

CONTACT DETAILS

MINERALS COUNCIL SOUTH AFRICA

T +27 11 498 7100

E info@mineralscouncil.org.za

MEDIA

T +27 11 880 3924

E mineralscouncil@rasc.co.za

🐦 [@Mine_RSA](https://twitter.com/Mine_RSA)

📘 www.facebook.com/Mine

5 Hollard Street, Johannesburg 2001

PO Box 61809, Marshalltown 2107

www.mineralscouncil.org.za