

Child Rights Centered Preferences in Private Sector Corporate Social Responsibility Programs: A human dignity approach

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Abstract: Human dignity is the leading value on which all other human rights are grounded. The adoption of child-sensitive policies as well as programmes has not been mainstreamed in Corporate Social Responsibility (CSR) in Zimbabwe. Infrastructure that sustains business and local government interests has been at the fore-front of most CSR programs especially in the mining industry to the detriment of children’s rights. Consequently, child focused programs such as education (including the promotion of sports for children), health, and hygiene and sanitation under CRBA are often overlooked. This paper uses a qualitative case study of Zimplats in Mhondoro-Ngezi to evaluate the extent to which CSR projects incorporate children’s rights. The study shows that even as corporate investment has led to better infrastructure and quality of life, children’s rights continue to take a back-seat, through exclusion from decision-making processes. Their welfare is often seen as secondary to the interests of companies and politicians. The study advocates for the embrace of a model of CSR formulation based on child rights which is premised on perceiving children as essential stakeholders in sustainable development..

Keywords: Corporate Social Responsibility, children’s rights, human dignity, mining, Zimbabwe.

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Introduction

Corporate social investments in Zimbabwe have a history that started many years and got deeper roots from the time of colonisation. As Madimu (2007) posits, the settler farmers and mining companies ventured into investments in road networks ostensibly for their economic gain but inadvertently benefiting communities with enhanced accessibility in terms of roads networks for mobility and trade. They even built schools on farms and in mines, with provisions for learning and recreation. Although school fees were waived for employees’ children, few parents would have had the time or inclination to invest in their children’s education once they returned home as they tried to recover from their hard labour (Jones, 2010).

Despite the colonial selfish needs of prioritizing benefits from the African people, their enterprises had the unintended consequence of promoting children’s rights through education, health and social welfare. For example, mining schools were better resourced than farm schools, as a result of the returns generated by the mining industry (Malan, 2005). In the area of health services, colonial enterprises would collectively sponsor clinics and hospitals in their areas of operations including the provision of free treatment for children below 12 years (Madzikanda, 1995).

The colonial CSR model prioritized the delivery of efficient social amenities, a few of which are still in effective use today. Post-independence Zimbabwe ushered a paradox of a rich nation with few resources and many poor citizens (Mawowa, 2013). The Indigenization and Economic Empowerment Act of 2007 and its Statutory Instrument enacted in 2010, introduced the Community Share Ownership Trusts (CSOTs) which required mining companies to donate at least 10% of their profits towards

community development (Kurebwa et al., 2014). Companies that managed to comply were given tax breaks as incentive to continue operating (Maseko, 2010).

The major paradox of the new policy directive was the seeming linkages with political patronage. Most CSOT boards were dominated by chiefs, bureaucrats and political elites (Adams and Sampie, 2011). CSR became more of a vehicle for mining companies to pay off political elites through strongly allied corporate social investments. Consequently, as noted by Chimanikire (2012), transparency and accountability for CSR funds remained distant as the resources were often channelled towards political good-will rather than investment in community. The promotion of child-centered programming were driven to the periphery during this process.

In the post-independence Zimbabwe, Corporate Social Responsibility had been largely conceived of in quantitative rather than qualitative terms. Companies often provided materials for constructing and rehabilitating school blocks and clinics with very little regard to educational or health provisions, staff, or support mechanisms. The same can be said of investments in road rehabilitation that benefited corporate operations overlooking some child-centred services.

The objective of this study is to critically evaluate the integration of children’s rights within corporate social responsibility (CSR) programming in Mhondoro Ngezi, Zimbabwe. The study sought to examine the historical evolution of CSR from the colonial to post-independence period, by assessing the impact of Community Share Ownership Trusts (CSOTs), as well as identifying gaps between corporate investments and child-



centered development needs. The study aims to answer the questions: To what extent have corporate social responsibility (CSR) initiatives in Zimbabwe, particularly in the mining sector of Mhondoro Ngezi, integrated and promoted children's rights in education, health, and social welfare

Human Dignity and Children's Rights

The concept of human dignity has received considerable attention in the contexts of law, philosophy and theology. Of late the concept appears to dominate discussions on human rights (Shultziner, 2007). It is codified in international sources such as the UN Charter (1945), UDHR (1948) and UNCRC (1989), which affirm it to be indispensable to values of freedom, justice, peace and realization of all rights. National constitutions (for example of Germany, Portugal, Hungary, South Africa, Spain) have included human dignity as a basis for the personal rights. The term 'human dignity' comes from the Latin words; *dignitas*, meaning honor or distinction; and *humus*, meaning earthly (Ivascu 2016). Lebech (2005) defines human dignity as "the status of being a human being." This means, human dignity entitles an individual to be accorded respect. Consequently, the human dignity forms the foundation upon which the rights of children are instituted. It then follows that children's rights are not so much a matter of discretionary generosity but an ethical and social obligation. To protect the dignity of children, all development activities, including CSR, must of necessity include the recognition of their rights.

Corporate Social Responsibility through the Lens of Child Rights

This study is based on Child Rights-Centered Approach (CRCA), developed by UNICEF and Save the Children. CRCA has been explained by Cook and Bruckauf (2013) as the integration of children's rights principles in aspects of programme planning, delivery, and monitoring. It promotes the overall well-being of children based on the UN Convention on the Rights of a Child (1989). Likewise, Litz (2010) emphasizes the importance of CSR programming that enables service providers to be responsible in ensuring that the rights of children are realized. CRCA integrates the vision of childhood embedded within the CRC with key human rights principles, and offers a blueprint for planning, implementing and evaluating services for children (Save the Children 2016; UNICEF Handbook 2013). It outlines seven principles of dignity, interdependence, best interests, participation, non-discrimination and the right to life as survival and development.

Dignity is shown by valuing the child for who they are rather than what they do in every context. It emphasises that no right is more important than the other as all contribute to the well-being of children. This article supports the view that children's interests are paramount in all decision-making processes and program planning. Their participation in decision making processes helps to ensure that children's voices influence decisions that impact their lives. The principle of non-discrimination safeguards against unfair treatment regardless of their gender, sex or tribe.

CSR and the Zimbabwean Mining Sector

The Mining sector is one of the main pillars of Zimbabwe's economy. According to Hawkins (2009), Zimbabwe is not as rich compared to other African resource-rich countries, but has reserves of platinum, gold, diamonds, methane gas, asbestos, nickel and coal and chromite. These assets earn export revenue of approximately US\$2 billion a year in the medium term, and up to US\$5 billion would be possible within 15 years. Thus, the

government has now acknowledged mining as a low hanging fruit for Zimbabwe's short to medium term economic recovery plan (Muruviwa, 2013). The sector has become the biggest contributor to the country's GDP, with agriculture trailing at 16.7% in 2012. This scenario is likely to continue into the foreseeable future on account of continuing hangovers of the Land Reform Programme of the early 2000s (Jenkins, 2013).

The increasing number of mining companies in Zimbabwe has exposed several CSR issues especially environmental destruction and pollution that are impacting disproportionately on children and women. Although foreign direct investment under the mantra 'Zimbabwe is open for business' makes significant contributions to government revenue through taxes and royalty, local communities' have very little to benefit from these investments (Mashuku, 2005). While researchers such as Chazovachii and Mamhova (2012) posit that mining is a source of local development in rural areas, their arguments tend to lack solid evidence that articulates clearly how community well-being is measurably being improved. The Zimbabwean Government has implemented decentralisation and devolution policies with the aim to improve rural development using its social and infrastructural services. The objective of the government was to turn rural growth points into thriving socioeconomic centres through Corporate Social Responsibility programs. Towns like Shurugwi, Zvishavane, Hwange and Kadoma, which attained town status due to their improved economic activities supported by big mining corporation are a case in point (Chamber of Mines 2011).

Zimbabwe's Corporate Social Responsibility programs for big corporations during the first three decades after independence was voluntary and community development was more a result of unintended benefits emanating from major corporations' business needs. Despite this scenario, some organizations have demonstrated responsibility by engaging the communities. For example, Trojan Mine in Bindura contributed to the rehabilitation of the Manhenga Road and the construction of employees' houses and recreational facilities for the community (Dziro, 2014). Gumbo (2014) states that commitment of CSR projects like setting up of Bindura stadium not only enhances community togetherness, but also the birth of Mwana Africa Football Club. Nevertheless, the cumulative impact of CSR on children's rights is limited, with many activities focused more on employee wellbeing rather than on the broader community.

Methodology

This research used a qualitative approach to investigate how child rights fit into CSR practices. A case study approach was used, with the Mhondoro-Ngezi Platinum Mine (ZIMPLATS) in Mashonaland Province as the focal area. The sample lent itself to the following units of analysis; officials from ZIMPLATS Social Investment Department, Mhondoro-Ngezi Rural District Council and Non-Governmental organisations working in the area. Participants were selected using purposive sampling of CSR and child rights expertise. Information was gathered using an in-depth interview technique and participant observation. The analysis used a thematic approach, triangulated with literature review to cross check results.

CSR in Mhondoro-Ngezi

Mhondoro-Ngezi Community Trust (MNCT), sponsored by ZIMPLATS, is one the best well organized CSR programs in Zimbabwe. The Trust has helped complete various infrastructure

and socio-economic projects for the local commissaries. Makumana (2015), observes that MNCT has always practiced CSR projects for sustainable rural livelihoods, suggesting the centrality of sustainable livelihoods in debates on rural development as articulated by Johnson (1997). Programs implemented under the MNCT aim to generate income such as egg-laying project, brick-moulding, small scale mining, gravel extraction, and disaster preparedness. The Trust has been working with the Zimbabwe Electricity Supply Authority (ZESA) to enhance energy facilities, such as new power lines and sub-stations.

Income from the CSR generated under the MNCT has also been used for renovation of schools, clinics and roads. Success stories include the refurbishment of Ngezi-Selous Highway, laying of optic fiber cables which has increased internet availability to schools and businesses. On issues of children rights, the Trust has supported educational facilities such as the construction of classroom blocks, library and laboratories, and educational supplies for teaching. More than 2,000 orphans benefited from school fees payment from the MNCT ss of 2017. Further, projects in Mhondoro-Ngezi led to the establishment of seven classroom blocks, six clinics, 3,800 housing units and four community centres as well as the rehabilitation of four kilometre stretch of a road.

Mainstreaming children's rights under Mhondoro-Ngezi CSR

While several CSR successes have been recorded by the MNCT, the quality of child rights mainstreaming has come under criticism. It has been reported that CSR programmes emphasize quantitative outputs like building infrastructure and ignoring the qualitative aspects that directly impact children's actual lives. For example, in Mhondoro-Ngezi, MNCT constructed schools with little provisions for learning materials. Consequently, many children were excluded from quality education due to lack of books and other material provisions essential for effective learning (Mawowa, 2013). The same can be said of health care facilities where infrastructure constructed or renovated through the CSR program are poorly staffed and equipped, weakening the health delivery system (Mathibela, 2013; Machadu, 2012).

It also emerged from this study that the planning and execution of CSR projects does not permit children to meaningfully participate or decide their own future. This goes against the tenets of child rights programming that emphasizes the need for children to take part in decisions affecting them. The study further noted that some form of discrimination exists against girls and boy children with disabilities as the schools and health facilities lack ramps for the disabled children, making inequalities pervasive (Engle, 2006).

The study also noted that CSR initiatives in Mhondoro-Ngezi do not fully embrace the principle of indivisibility and inter-dependence of rights. Investment has been made in temporary rights such as education and health but not permanent rights, such as protection of children from abuse and exploitation. The participation rights of children are limited, and there is little voice for children in the decision-making processes. During emergencies like droughts, CSR responses have included food handouts which is commendable. However, the food distributed are often inadequate for nutritional requirements for children, particularly infants and young children, whose nutritional needs cannot be met with porridge or milk etc. As observed also by Children's Rights Alliance (2020), health, hygiene, and sexual and reproductive health awareness projects are also poorly adapted to children's

requirements and sometimes place limits on their effectiveness in promoting child rights.

Suggestions for policy implications

The policy recommendations contained here call for closer intertwining of Corporate Social Responsibility (CSR) with robust policies that foreground the rights and welfare of children in communities. At the national level, Zimbabwe's CSR practices should not be a matter of choice but a matter of policy. Leaders within the mining sector should be forced to formally enshrine their efforts through legal instruments and in line with commitment made by Ministry of Energy and Development Mine Policy etc. This means that they should align themselves with the Children's Act [Chapter 5:06], a National Action Plan for Orphans and Vulnerable Children and the National Development Strategy 1 and 2 (NDS). Developing statutory instrument for CSR that enforces minimum child sensitive standards would provide leverage to make Community Share Ownership Trusts (CSOTs) more accountable and fair resource distribution among all people.

Zimbabwe is a signatory to the African Union Charter on Children's Rights and Welfare (1990), which obliges member states to protect children's rights to survival, development, and protection from violence. As such, CSR by extractive industries must be harmonized with the AU's agenda 2063 vision of sustainable and inclusive development. CSR activities must give prominence to education or training for young people while at the same time emphasizing sustainability in the environment. The UN Convention on the Rights of the Child (1989) and the UN Guiding Principles on Business and Human Rights (2011) together establish a normative framework for corporate social responsibility (CSR).

International protocols go beyond a focus on charity. They demand that businesses respect, protect, and fulfill children's rights along the whole length of their value chain. The Children's Rights and Business Principles (UNICEF, Save the Children, UN Global Compact) further extend the responsibility by requiring that companies investigate, prevent, mitigate and account for the effects of their operations and supply chains upon children. Through policy and regulatory reform, Zimbabwe's mining sector can draw on these global instruments and develop CSR practices that are not just applicable locally but internationally respected as well. This will serve to increase investor confidence and position the country as a responsible resource economy. Taken together, these policy implications suggest that CSR in Zimbabwe should evolve into a legally binding, child rights-based practice that incorporates child rights norms at the national, regional and global levels. This approach would not only improve corporate accountability but also ensure that CSR genuinely contributes to sustainable development and leaves a worthy legacy to generations of the future.

Recommendations

First, CSR should be turned into a legally binding, user centric institution that respects, protects and guarantees child rights at the national, regional international levels. This policy objective, which has the longest horizon of any policy initiative on child labor and CSR in recent African history is particularly necessary given that Zimbabwe's economy is set to grow rapidly in scale. Of late there has been a proliferation of conglomerates in the extractive sector in Zimbabwe where CSR could be instrumental in improving the rights and welfare of children. Such investments under the second republic's mantra of 'Zimbabwe is open for business' should come as an opportunity for the benefit of children.

In this way, not only will the public have a say over how companies carry out their CSR but also companies will be subject to cross-regional supervision so as to prevent any abuse of resources.

Second, CSR should seek independent certification from a National or regional children's rights institution. While Zimbabwe may not have registered private or public certification programs, entities like the United Nations Children Education Fund (UNICEF) is capable of providing guidance on best practices on children rights. Alternatively, the country could come up with a policy detailing the minimum standards expected child-sensitive programming. Such measures are intended to ensure uniformity across all provinces where CSR is practiced.

Third, findings of this study point to a call for all corporations, especially in mineral extraction, to abandon their superficial corporate social responsibility activities and embed child rights in all processes of CSR. This means that they must take the commitment to CSR seriously and follow the UNICEF and the United Nations Global Compact Principles for Business and Children's Rights policies. They must ensure that projects in the fields of education, public health, sports and children's welfare as a whole are systematically institutionalized. This covers children's participation in all decisions made by the company.

Fourth, the company ought to recognize children as key stakeholders. In this regard, companies under CSR should establish mechanisms through which children and young people are able to input into the design, monitoring and evaluation of CSR programs. These could include creation of children's rights forums, youth counselling committees, and embarking on participatory needs assessments. Often, children are considered incapable of making meaningful contributions towards their own welfare. On contrary, best practices suggest that children have the capacities to take contribute to programs that involve them if they are made fully aware.

Additionally, a change from focusing on building infrastructure projects to integrated holistic programming is very necessary. While the construction of classroom blocks and clinics are an important part of CSR, other practices of sustainable CSR should be devised to ensure these facilities are adequately resourced (teaching materials, qualified teachers, affordable meds for kids and construction with ramps suitable for handicapped people). This can be achieved through introducing a right-based model of monitoring. This means the impacts of CSR should not be measured in financial or infrastructural terms only, but should be considered when analysing outputs such as whether children survive to adulthood and how well they develop as individuals. Corporates under CRS must adopt child-friendly performance indicators to suit the provisions of the Convention on the Rights of the Child (CRC).

Finally, the further recommends that as the Government of Zimbabwe as it revises the CSR guidelines within the new Framework of Economic Empowerment should declare children's rights a mandatory obligation. Strict penalties for non-compliance should accompany corporations that overlook this policy. The government should pay closer attention to accountability and transparency in its Community Share Ownership Trusts (CSOTs). And, in order to prevent elite grouping and politicization, it is necessary to have clear reporting structures, establish systems for audit, as well give the public say in their governance.

Conclusion

In conclusion, CSR in Zimbabwe's mining sector need to move away from an assortment of fragmentary compliance activities and develop into a rights-based model that incorporates children's needs at its heart. This way of working is not only in line with Zimbabwe's national and international obligations. It also helps to ensure that mining-facilitated development truly can contribute to intergenerational justice, social welfare, and the country's long-term vision of lifting itself out of poverty within the next five years to become an upper middle-income society by 2030.

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