

Concept Note for a National Conference on Mandatory Human Rights and Environmental Due Diligence (mHREDD) in Malawi

1. Background and Rationale

Across the globe, governments are strengthening corporate accountability through mandatory human rights and environmental due diligence (mHREDD) frameworks. Instruments such as the UN Guiding Principles on Business and Human Rights (UNGPs) emphasize that states have a duty to protect human rights while businesses must respect human rights across their operations and supply chains (UNGPs, 2011). The OECD Due Diligence Guidance for Responsible Business Conduct similarly underscores the responsibility of businesses to identify, prevent, and mitigate adverse environmental and social impacts (OECD, 2018).

In Africa, countries such as Kenya, South Africa, and Nigeria are already exploring or implementing due diligence-related reforms to strengthen resource governance, labor rights protection, climate responsibility, and community livelihoods. The African Union's Agenda 2063 further promotes sustainable industrialization and responsible natural resource development.

In Malawi, although the Constitution guarantees the protection of economic, social, environmental, and cultural rights, the country currently lacks a mandatory legal or policy framework compelling companies to conduct human rights and environmental due diligence. Sectors such as mining, agriculture, and infrastructure development have experienced cases of land rights violations, environmental degradation, labor exploitation, and weak benefit-sharing (Etter, R. & Banda Y, 2014). As investment grows, Malawi risks heightened governance challenges without clear obligations for due diligence.

2. Main Objective

The main Objective of the conference is to initiate multi-stakeholder dialogue on the feasibility, scope, and design of a mandatory human rights and environmental due diligence framework in Malawi. The activity will contribute to the development of an evidence-based policy brief.

3. Specific Objectives

- I. Raise awareness on global and regional trends in mHREDD.
- II. Assess existing legal and policy gaps in Malawi.
- III. Facilitate dialogue on adopting due diligence approaches.
- IV. Document stakeholder insights for a policy brief.
- V. Strengthen collaboration among key actors.

4. Expected Outputs

- I. A one-day conference attended by at least 30 stakeholders.
- II. A stakeholder position report.

- III. A draft policy brief on mHREDD.
- IV. Strengthened multi-stakeholder collaboration

5. Expected Outcomes

- I. Increased understanding of mHREDD.
- II. Strengthened national momentum toward adoption of a due diligence framework.
- III. Improved alignment with global standards.
- IV. Enhanced protection of communities and ecosystems.

6. Target Participants

The event will target Government Ministries and Agencies, Parliament Committee on Natural Resources, Human Rights Commission, CSOs, private sector, and community representatives.

- I. **Government Agencies** (7 MDAs): Ministry of Natural Resources, Energy and Mining, Ministry of Justice and Constitutional Affairs, Malawi Human Rights Commission, Malawi Environmental Protection Authority, Ministry of Industrialization, Business, Trade and Tourism, Ministry of Finance, and Registrar of Companies.
- II. **Private Sector** (5 associations): Malawi Confederation of Chambers of Commerce and Industry, Malawi Chambers of Mining and Energy, Malawi Union of Micro, Small and Medium Enterprises, Malawi Women in Mining Association, and Federation of Artisan and Small Scale Mining Associations,
- III. **Civil Society Organizations** (7 CSO thematic representatives): Natural Resources Justice Network, Center for Human Rights and Rehabilitation, Human Rights Consultative Committee, Malawi Economic Justice Network, Action Aid Malawi, Oxfam Malawi, Center for Environmental Policy and Advocacy, and Council for Non-Governmental Organizations in Malawi.
- IV. **Academia** (6 representatives): University of Malawi, Economist Association of Malawi, Political Scientists Association of Malawi, Malawi Law Society, Media Council of Malawi, and Association of Environmental Journalists in Malawi

7. Proposed Agenda (One Day)

08:00 – 08:30 – Registration

08:30 – 09:00 – Opening Remarks

09:00 – 10:00 – Keynote Presentation- What is Mandatory Human Rights and Environmental Due Diligence

10:00 – 10:30 – Tea Break/Group Photo

10:30 – 11:30 – Panel Discussion (Malawi Human Rights Commission, ISD, MCCI, and MUSME)

11:30 – 13:00 – Plenary

13:00 – 14:00 – Lunch

14:00 – 15:00 – Presentation on meaningful Community participation and engagement in businesses- NRJN

15:00 – 16:00 – Plenary

16:00 – 16:30 – Closing Session

8. Implementation Approach

ISD will coordinate logistics, NRJN will work on pre event stakeholder engagement, event report writing and other technical requirements. NRJN will also lead the drafting of the national policy brief using conference discussions and best practices.

9. Sustainability and Follow-Up

The policy brief will form the basis for sustained advocacy toward a national mHREDD framework. ISD will engage government, parliament, businesses, and civil society for long-term policy reforms.

10. Conclusion

Adopting mHREDD is essential for protecting Malawi's people and environment while promoting responsible investment. This conference will provide the groundwork for a strong national policy direction.

References

Rachel Etter Poya, & Yiwonda Banda (2014) *Land Displacement, Involuntary Resettlement and Compensation Practices in the Mining Sector: Comparative Analysis of Legal and Policy Frameworks in Southern Africa*, Social Science Network

OECD. (2018). OECD Due Diligence Guidance for Responsible Business Conduct.

United Nations. (2011). UN Guiding Principles on Business and Human Rights.

African Union. (2015). Agenda 2063.