CENTRE FOR ENVIRONMENT JUSTICE (CEJ)

RESEARCH FINDINGS AND RECOMMENDATIONS

Evidence Based Research Advocacy on Extractive Industries' Annual Budgets Towards Corporate Social Responsibility and Environmental Mitigation Initiatives'

"Our Environment Our Responsibility"

CEJ2014

EXECUTIVE SUMMARY

This report provides a foundation for advocating for corporate responsibility in Zambia. The document analyses and evaluates corporate social responsibility initiatives by extractive industries. Surveys were conducted at three levels to obtain information across the board, that is, industry, council and communities in the vicinity of the mines. Findings of the research revealed understanding and dedication to CSR varied tremendously among the industries. Further, the level of understanding, use and participation also varied among the communities and councils. The research draws attention to the community role and other stakeholder participation in the process of planning, implementation and monitoring. Currently the community does not understand their role in environmental management and corporate responsibility.

Though the sample size is small, information collected aligns with literature research and provides further insights in the gaps in CSR in the extractive industry in Zambia. Recommendations highlighted include;

- Creating a forum for direct dialogue between industry, government and communities to ensure common understanding and direction in terms of community development.
- A portion of CSR activities must include environmental mitigation measures.
- Zambia Bureau of Standards (or other appropriate agency) should widely publicize the ISO 26000:2010, a standard launched by the International Standard Organization which provides guidance on how businesses can operate in a socially responsible way, by acting in an ethical and transparent way. This will consequently promote understanding and education in terms of benefits, implications and practice of social responsibility in Zambia.
- Government, particularly at the local level should genuinely strive to partner with industry to promote community development.

Mr. Boniface Chishala Mumba
Executive Director
Centre for Environment Justice (CEJ)

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LIST OF ACRONYMS

CEJ   Center for Environment Justice

CSR   Corporate Social Responsibility

EIA   Environmental Impact Assessment

GDP   Gross Domestic Product

ZABS   Zambia Bureau of Standards

ZEMA   Zambia Environmental Management Agency

INTRODUCTION

Zambia is naturally endowed with vast deposits of rich mineral resources throughout the country that include gold, emeralds, copper, uranium and zinc. Zambia's economic foundational roots began with copper mines. In the first decade after independence (1965 –75), Zambia was rated among the most prosperous countries in sub-Saharan Africa. Copper was the chief contributor to the countries' Gross Domestic Product (GDP), as the thirst for copper by the emerging Asian markets and the Vietnam War in the 1960's helped the country gain its distinction as one of the wealthiest on the African continent. However, Zambia's economic performance began to decline in the 1970's when copper market prices fell. Since then, the Zambian government has been implementing reforms to reverse the decline. Specifically, in an effort to stabilize the economy, the Zambian government has taken measures to attract investors in the mining industry. For example, the Zambia Mining Act put in place in 1995 features privatization of state-owned mines previously under the Zambia Consolidated Copper Mines Ltd (ZCCM), the liberalization of the fiscal policy and the provision of several tax incentives to mining companies (Ministry of Mines and Mineral Development). Consequently the country has seen increased investment in exploration as well as in small-scale mining. Indisputably, industrial development, especially extractive industries is critical to the economic development of Zambia. The mining industry in Zambia continues to be one of the major contributors to the country's GDP and has historically been the backbone of most of the country's social and economic development.

Notwithstanding the economic contribution mining carries, the industry itself causes environmental degradation at every stage of operation. Operation of the mining industry produces air (gases from mineral processing and dust emissions), water and land pollution, waste material such as slug and land degradation. Mines have also been known to contribute to other environmental concerns such as increased human population in the surrounding communities, poor sanitation/access to basic services and increased deforestation (G Sikaundi). Under the regulatory framework, mines are required to put in place environmental mitigation measures which include developing Environmental Management Plans and conducting Environmental Impact Assessments (EIA). One of the policy objectives under the Zambia Mining Act is to 'reduce the danger of ecological damage arising from mining operations as well as damage to the

health of workers and inhabitants of the neighborhood through water, air and land'(Ministry of Mines and Mineral Development). However, over the years there have been persistent incidences of pollution indicating much needs to be done to reduce adverse effects on the environment and ensure people's right, particularly the communities in the vicinity of the mines, to a clean environment and healthy life (N Siantombo, April 6 2013).

There is increasing concern over the negative impact of mining operations to the surrounding communities and lack of commitment to address social challenges that come with mining. For example, local people have been exposed to high levels of water and air pollution, causing detrimental effects and huge costs to public health. The concept of Corporate Social Responsibility (CSR) has become more prominent worldwide due to its ability to address social and environmental problems associated with the mining industry. CSR is defined as 'corporate initiative to assess and take responsibility for a company's effects on the environment and impact on social welfare' (Investopedia US, 2013). CSR can be considered as an offensive approach in response to its impact on environment and the public. Consequently, as evident in several parts of the world, CSR has promoted activities in areas such as education, health, the environment, culture and the arts (C M Fundanga, 2006). CSR can be an effective key to *sustainable* development in the long term. Unfortunately, the CSR concept is not widely understood and effectively utilized in Zambia, particularly as a basis for addressing the social and environmental problems associated with extractive industries (N Muzungu, Aug 4 2013). The justification for practice of corporate responsibility leading to sustainability is evident. Currently, CSR is being approached as *charity,* ranging from regular sponsorship of entertainment activities such as soccer, to irregular and one-off approaches such as giving out presents to hospital patients, orphanages, etc. on Christmas day (M Muweme).

As a prerequisite to creating a foundation for operational advocacy for social responsibility in Zambia, the Centre for Environment Justice (CEJ) embarked on a project entitled '*Evidence based Research Advocacy on Extractive Industries' Corporate Social Responsibility and Environmental Mitigation Initiatives'*. The project aimed at understanding how Zambian-based extractive industries' corporate social responsibility resources if any, are distributed and determine budgeted funds earmarked for environmental mitigation measures. How do these

industries understand CSR? What has been done as a result? What is the role of community and government? What are the measures put in place to ensure stakeholder participation in the process of planning, implementation and monitoring? All these are critical questions if CSR is to be effectively utilized to promote sustainability. As part of the project, CEJ aimed to conduct a survey of eight randomly selected extractive industries, regarding their corporate social responsibility, in the Copperbelt, Lusaka and Northwestern Provinces. In addition, to further understand the dynamics of CSR at different levels, CEJ also conducted a second and third questionnaire addressed to local Councils representing the specific industries and local communities in the vicinity of the mines. Although several attempts were made to contact selected industries and Councils, only 4 industries, 4 Councils and 5 communities responded to the questionnaires. Despite the sample size being small, developing this document was felt to be necessary to capture perceptions of selected groups and act as a basis for advocacy regarding social responsibility. The project was implemented in the month of September 2013. For confidentiality reasons, no company, Council or community-specific information will be disclosed.

BACKGROUND INFORMATION

The history of CSR by the mining industry in Zambia begins with its roots embedded in the ZCCM culture. At the time of independence, Zambia was the leading copper producer and exporter. However, the profits were not re-invested into raising the quality of life of Zambians or development of infrastructure.

Instead, investors were interested in expropriating profits overseas (N Noyoo, 2007). Consequently, in April 1968 all foreign and expatriate enterprises were nationalized. ZCCM emerged as one of the major industries nationalized. As part of CSR, ZCCM supplied social amenities including free education for miners' children, subsidized housing and food, electricity, water and transport. Emphasis of CSR was on the provision of free or subsidized social services as a way of reducing poverty (N Noyoo, 2007). However, at the down turn of the economy, ZCCM could no longer guarantee social services. In an effort to restore the economy, the government employed liberalization and deregulation of the economy which included privatization of state-owned companies such as ZCCM. Fast-forward to the present, Zambia's

economy is improving, but benefits to people are trickling down slowly; living conditions for many are still poor. After privatization, little has been done in the area of CSR, particularly in comparison to ZCCM. Currently, there is no clear legal framework governing CSR, neither is there a consensus on how it can be effectively used in the development process (N Noyoo, 2007).

Industries do not operate in a vacuum; their relationship to the society and environment in which they operate is a critical factor in their ability to continue to operate effectively (International Organization for Standardization). Hence, the role of CSR in social and economic development is vital and how corporate embrace the concept is essential. CSR cannot be viewed as charitable contributions to society but rather a deliberate response to multidimensional social issues as a result of operations (N Muzungu, Aug 4 2013). Given our history, this is not easy to comprehend. There is a fine balance between promoting economic development and doing so at the cost of degradation to the environment as well as being a hazard to the local community. A research done by the Bench Marks Foundation covering Southern African countries including Zambia, identified gaps of CSR in the Zambian mining industry. Analysis of the study findings revealed CSR in mining communities is relatively ineffective in terms of facilitating sustainable development. These communities continue to experience consequences of the gaps between policy and practice, policy and human rights and practice and human rights (Cronje et. al, 2008). The research showed vast differences between expectations, perceptions and needs of stakeholder's involved (Cronje et. al, 2008).

Globally, CSR is becoming more of the norm and deliberate player in the arena of business. The International Organization for Standardization launched the ISO 26000 in November 2010 focusing on corporate responsibility. The standard provides guidance on how businesses can operate in a socially responsible way, by acting in an ethical and transparent way that contributes to the health and welfare of society (International Organization for Standardization). Core subjects and issues of responsibility defined by ISO 26000 include human rights, labor practices, the environment, fair operating practices, consumer issues, community involvement, principles of equal opportunity and non-discrimination (ISO Annual Report 2011). ISO 26000:2010 is intended to assist organizations in contributing to sustainable development by encouraging the organization to go beyond legal compliance, recognizing that compliance with law is a

fundamental duty of any organization and an initial part of the social responsibility. It is also intended to promote common understanding in the field of social responsibility (Interteck Group, 2013). Zambia, under the Zambia Bureau of Standards (ZABS), is one of the countries that have endorsed the ISO 26000:2010.This can provide the much needed guidance on implementing social responsibility practically in Zambia.

The aspect of sustainability cannot be ignored and must be at the center of CSR. This means the planning; implementation and monitoring processes must be carefully considered. If CSR is to be strategically widely incorporated in Zambia, advocacy will play a key role to promote understanding by all stakeholders, best practices actually used on the ground (and not merely on paper) and behavioral change.

PROJECT OBJECTIVE

The objective of the research is to understand how extractive industries' CSR resources, if any, are distributed, appreciate CSR activities and determine budgeted funds earmarked for environmental mitigation. This is meant to provide a basis for advocating for strategic social responsibility, solidifying roles of all stakeholders involved (government, local communities and industries).

METHODOLOGY

Questionnaires were developed as a tool to collect information. As part of the project design, surveys were conducted at three levels, specifically tailored for the industry, local Council and community. 8 extractive industries located in Lusaka, Copperbelt and Northwestern Provinces were randomly selected to respond to the questionnaire. As part of developing the questionnaire, CEJ invited representatives from civil societies to review and submit their comments on the questionnaire in order to perfect the set of questions. This was done during a workshop hosted by CEJ.

Representatives from civil societies review the questionnaires at the tools development workshop.

Questionnaires were explicitly used as tool to learn perceptions and doings from the targeted groups in a systematic way. In cases where a face to face interview was not possible, responses were emailed back to CEJ (except for the community questionnaire). Out of 8 requests made under each group, 4 industries, 4 councils and 5 communities responded to the questionnaire. Note that the responses from targeted groups did not all correspond. That is, a response from an industry did not have a parallel response from community and council or similarly, a community response did not have a corresponding response from industry and council.

Industry Questionnaire: Appointments were made to interview appropriate departmental representatives from the selected industries. The questions strived to determine their CSR policy, CSR activities including planning, evaluating and monitoring of their activities and how they interact with the local community regarding the same. The questionnaire had a total of 26 questions.

Sample of Industry Questionnaire below;

1. **Please provide information about your company on the following**;
    a. How many workers are employed at your site?
           Permanent workers_____   Casual workers _____
    b. How much has been invested in your company to date? ZMK_____
    c. What is your production capacity? _____
    d. How much profit was made in 2011 -2012?_____

2. **How long have you been in operation in Zambia**?

3. **Do you operate in any other countries**? YES_____ NO_____. If Yes, please list below:

4. **Do you have a CSR policy in place?**
   YES_____ *(skip to question 6)*   NO_____(Move on to Question 5)   Underdevelopment_____
   (skip to question 9)

5. **If NO, how do you manage your CSR activities?**
   As requests are made_____   No measures have been taken_____
   Other_____

   (Then skip to question 13)

6. **If YES, how long have you had the policy in place?** _____

7. **Do you have a corporate Affairs department?**
   YES_____(skip to question 8)   NO_____(skip to question 9)

8. **If yes, do you have a dedicated member of staff dealing with CSR in a Corporate Affairs Department?**
   YES_____   NO_____

   If NO, what channel do you respond to CSR needs?

9. **Under what conditions did you/are you form your CSR policy?**
   In line with your company mandate_____   In response to a disaster_____
   Shareholder interest_____   Public Perception/ Demand_____
   Regulatory Requirement_____   Internal Management Decision_____
   Other_____

10. **What categories fall under your CSR policy? Please select all that apply.**
    Health_____   Environment_____   Education_____
    Safety_____   Other_____

11. **What are the guiding documents used in selecting the above categories as part of your CSR policy?**

12. **Out of the categories listed in question 11, which one has your company invested most in the last 12 months? Please rank the categories.**

13. **Do you view CSR as a human rights issue? Explain your response**
    YES_____   NO_____

14. **Please list your CSR activities implemented/participated in the last 12 months?**
    _____

15. **Was the community involved in CSR activity decision making process listed above?**
    YES_____   NO_____

16. **Do you budget for your CSR activities?** YES_____   NO_____
    If YES, what percentage? _____

If NO, how do support your CSR activities?

17. How do you distribute your CSR resources?

18. What percentage of your budget is strictly reserved for environmental mitigation?

19. Do you have an environmental management system in place? YES_____   NO_____ If YES, please describe below: If NO, please explain:

20. Do you involve other stakeholders during the planning process for your CSR activities? YES____   NO_____ If YES, please list the stakeholders below; If NO, Please explain:

21. Do you monitor your CSR projects after completion? YES____   NO____ Describe:
22. Do you assess the effectiveness/success of your CSR projects after completion? YES____   NO____ Explain:

23. Have you made any commitments for the future regarding your CSR? YES_____   NO_____ If YES, please briefly explain below:

24. Do you have a system of collecting information from the public regarding their concerns over the environment? YES____   NO_____ If YES please describe below;

25. How does having a CSR policy affect your company or operations? Reduction in conflict _____   Better relations with community _____ Positive participation____   Increased shareholder investment _____ Increased administration costs _____   Increased operating costs_____ Increased shareholder concern _____

26. Are you aware of the ISC26 2000 Standard? YES____   NO___

Council Questionnaire: As the government is an important stakeholder in ensuring collaboration between the industry and local community as well as ensuring company compliance regarding environmental regulations, a second questionnaire was designed addressed to local Councils.

The selected Councils represented the specific industries chosen to respond to the industry questionnaire noted above. The questionnaire had a total of 11 questions.

Sample of Council Questionnaire below;

1. Do you have the Environmental Impact Assessment (EIA) report for the extractive industry at your District Council? YES_____   NO_____
2. Are you familiar with the EIA contents? YES_____   NO_____
3. Is this document available to the public? YES_____   NO_____
4. Do you know of the industry's CSR activities implemented in the last 12 months? YES_____   NO_____ If YES, *please list below*
5. In your perspective, is this company addressing environmental challenges? YES_____   NO_____ .*Briefly explain your response below;*
6. Do you know of environmental mitigation measures put in place by this company? YES_____   NO_____. *Briefly explain your response below*
7. How do you interact with Zambia Environment Management Agency (ZEMA) to ensure company compliance?
8. Do you have the company-specific necessary information from ZEMA for effective planning, managing and monitoring by your Council? YES____ NO_____. *Briefly explain your response below*
9. Does your community participate in the decision making process of the CSR activities? YES_____   NO_____. *Briefly explain your response*
10. Do you participate in the decision making process of the CSR activities? YES____   NO_____. *Briefly explain your response*
11. What is your role in ensuring collaboration between the industry and your community?

Community Questionnaire: Lastly, the third survey was designed for a community in the vicinity of the mine. This questionnaire aimed to determine the communities' understanding of CSR, knowledge of projects implemented and their participatory role. Groups of 8-10 members of communities were selected to respond to the questionnaire. These individuals were identified through the community Councilor. Incidences where the Councilor was not available, the team randomly spoke with residents of a selected community.

Above: Community members respond to the questionnaires

Sample of Community Questionnaire below;

1. **How many people are in your community?**	
2. **Do you think the industry in your area causes harm to the environment?**	YES_____ NO_____
3. **What do you understand by the term 'Corporate Social Responsibility'?**	
4. **Do you know the industry has a responsibility to take initiatives to address any of the company's effects on the environment and impact on social welfare?**	YES_____ NO_____
5. **Do you know of activities the company has implemented in the last 12 months in order to give back to the community?**	YES_____ NO_____
6. **If you responded *YES* to question 5, please list the activities in the space provided.**	
7. **Have you participated in the decision making process to implement these specific activities listed in question 6?**	YES_____ NO_____
8. **Please briefly explain your response to question 7**	
9. **In your opinion, is the company giving back to the community adequate?**	YES_____ NO_____
10. **What should the company focus more on in giving back to the community? Explain**	
11. **Do you have a system to express your complaints or concerns to the industry about their negative impact on the environment?**	YES_____ NO_____*Briefly explain your response.*

|	
12. Do you have a role as community to ensure your local industry is following environmental national laws and practicing transparency?	YES_____ NO_____
13. If YES, what is your role as community?	
14. What do you think is the role of the government in this process? Explain	
15. Do you think there is a difference between what the industry does to give back to the community versus the responsibility of the government?	YES_____ NO_____. *Briefly explain your response*

FINDINGS

The level and dedication to CSR initiatives varied tremendously among the industries. Further the level of understanding, use and participation also varied among the community and councils. The following findings were highlighted based on the research;

CSR Policy

- The research discovered that all industries interviewed had a CSR policy in place, however only 2 out of 3 industries had a Corporate Affairs Department with a dedicated member of staff solely dealing with CSR.

- The industries interviewed had their CSR policy in place for less than 5 years.

- The common denominators of categories under the industries' CSR policy were identified as environment and safety. Others listed were health and education. Out of the categories listed, health was recorded by all industries as an area most invested in. CSR activities implemented in the last 12 months comprise of the following;
  - o Infrastructure development
  - o Water and sanitation
  - o Health services
  - o Sports and recreation
  - o Education

- According to the industries, having a CSR policy has generally had positive effects on the company; reduction in conflict with the community, better relations with community and increased shareholder concern. Increased administration costs were also noted. The common effect noted by all industries was positive participation.

- The industries noted that their CSR policy was formed under the following conditions; in line with company mandate, shareholder interest and internal management decision. The public perception/ demand did not have *any* influence.

Categories Under CSR Policy
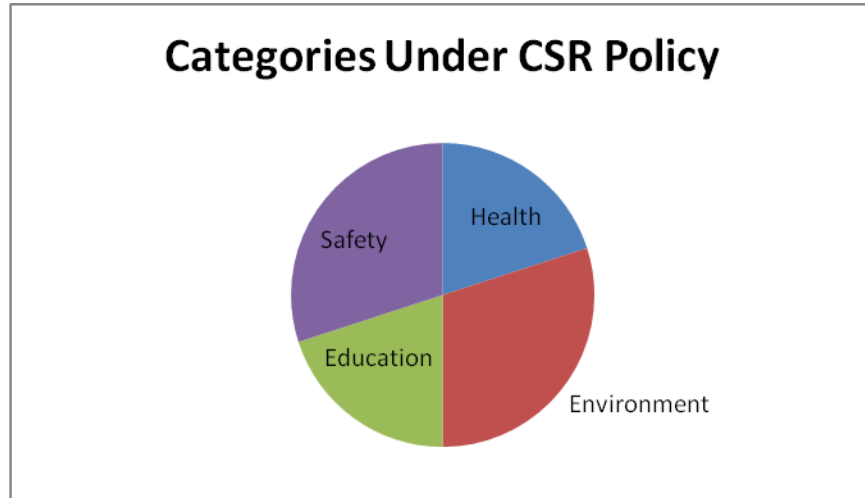
- No industry interviewed was aware of the ISO 26000.

Best Practice

One industry interviewed showed the importance of CSR through their values and strategy. This industry worked with local community to design programs that promoted economic and environmental sustainability for the community. CSR no longer became about hand out to the community, but rather how the community can effectively sustain itself. This was achieved by constant community participation, monitoring of the projects and community ownership of the projects.

Stakeholder Participation

- When it came to involving the community in CSR activities our research discovered that the community was not always involved in the decision making process. Rather CSR resources are distributed based on priorities set by the organization. However, all industries noted involvement of other stakeholders during the planning process of the CSR activities including the local Council

- In terms of monitoring and assessing the effectiveness of CSR activities, it was noted that only one industry monitors their activities after completion. In other cases, projects are handed over to the community as ownership.

- All industries have a system of collecting information from the public regarding their concerns over the environment. Mechanisms include complaint registers, direct communication with the community and through the local area Chiefs.

- Some Council noted the use of the 2012-2016 Strategic Plan to select CSR activities when approached by interested companies.

- To attain community involvement and participation, the elected councilor acts as the 'middle man'. He/she is the link between community and the industry. However, there is a gap between the Councilor and the community. The research discovered that the councilors do not represent their communities adequately; they do not meet with their communities often enough to understand the needs of the people. The gap is evident in the lack of information flow or trickle down to the community members.

- Zambia Environment Management Agency (ZEMA) is charged with safeguarding human health and environment through effective environmental management to provide for present and future generations (ZEMA). Ideally, ZEMA aims to collaborate with local Councils to ensure company compliance. The research discovered that the teamwork between ZEMA and local Councils is not functioning effectively due to intertwined roles, bureaucracy and lack of political will. Besides given the opportunity to respond to EIA reports and coming along side to run some inspections, which is not systematic, the Councils are left on the side lines when it comes to effective managing and monitoring. It was felt that the contract awarded to industries was heavily weighted on job creation rather than environmental concerns.

Community Role

- The project team visited five communities located near the mines. Out of five communities, three did not understand the term CSR. The other communities had a basic understanding of CSR and assumed it as compulsory rather than voluntary. The consistency throughout the community interviews was their non-involvement in the decision making process to implement specific CSR activities. Most communities offered practical ideas on how to improve their communities but did not have a way of communicating with industries. In all cases the community felt left out of the process.

- Community members did not feel the industry gave back to the community adequately and compared CSR roles to the ZCCM reign. The research revealed the communities did not understand their role and viewed themselves as hopeless and powerless compared to the giant industries believed to write the rules of engagement and interaction between themselves, community and government.

- All but one community had a system in place to express their complaints and concerns regarding the industry's negative impact on the environment, which was through the Councilor. However, the community acknowledged that the system was not functioning effectively. The flow of information to the grass roots was very poor. Community members noted corruption of Councilors by the industries contributed to mistrust and lack of information flow. Other communities had no forum to communicate with the industry at all.

- Even though all communities agreed that their particular industry caused harm to the environment, none of the suggestions given on what the company should focus more on in their 'giving back' related to environmental mitigation measures. Rather, ideas focused on infrastructure and community awareness/education. The community looked to the industries 'as a way of being looked after'. The perception is that these industries can afford to do more but are focused on profit-making venture and ignoring their place to tend over their surrounding communities.

- In most communities, members were unaware of the public access to EIA reports for their corresponding industry. This created information gap between the government, industry and communities. Community members are convinced they are negatively impacted by pollution levels but are unable to prove it. The community believes the

government is not playing their role to protect its citizens. In other words, the communities felt they are not reaping the benefits of extractive industries in their area.

REMARKS

The following remarks were noted during the research;

- Community members felt their salaries were extremely inadequate, which translated to poor social responsibility.
- Housing conditions for miners are enormously poor, coupled with no sanitation, no access to clean water and electricity in some areas.

RECOMMENDATIONS

- Location of the EIA reports must be made public. As the information may be technical, a different method to obtain responses/comments from the public should be considered. For example, responding to simple questions or publicizing information via mobile phones.
- Create a forum for direct dialogue between industry, government and communities to ensure common understanding and direction in terms of community development.
- A portion of CSR activities must include environmental mitigation measures.

- ZEBS (or other appropriate agency) should widely publicize Zambia's endorsement of the ISO 26000 in order to promote understanding and education in terms of benefits, implications and practice of social responsibility in Zambia.
- Government, particularly at the local level should genuinely strive to partner with industry to promote community development.

CONCLUSION

It is important to note that the sample size is small and hence may not reflect a broad conclusion. However, information collected aligns with literature research and provides further insights in the gaps in CSR in the mining industry. The level, perception and dedication to CSR initiatives varied among the industries. Although the industries are participating in social responsibility activities, the community feels it is not adequate for the areas in the vicinity of the mines and often feel left out or neglected. The absence of trust and understanding is due to the lack of information flow, participation and specific roles that the community must play. Further, if CSR is to be widely promoted and understood, the concept, guidelines and implications must be broadcasted. This is vital to address social and environmental concerns with emphasis on sustainability.

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