Open Letter

To: Heads of State Participating in the US-Africa Leaders Summit

From: Members of the African Coalition for Corporate Accountability and Others

About: Including African civil society participation and priorities in the Summit

24 July 2014

Dear Presidents, Excellencies,

We, the undersigned, as members of the African Coalition for Corporate Accountability (ACCA) and other organizations, are delighted to know that the United States will host an exceptional Summit with potentially 50 African Leaders in Washington, DC from 5 to 6 August 2014. In our understanding, this event will mainly focus on American trade and investment in Africa. We recognize the range of existing initiatives of the United States government supporting trade and investment in Africa, such as the African Growth and Opportunity Act, Trade Africa, Power Africa, Feed the Future, and the Washington Fellowship of the Young African Leaders Initiative.

We welcome trade and investment that supports inclusive and rights-based development for our communities and constituencies. That is why we express a number of concerns about the US-Africa Leaders Summit, and especially its US-Africa Business Summit:

First, we express deep concern that the organizers have missed the opportunity to include key stakeholders of African civil society organizations who work daily to mitigate the impact of business activity across the African continent as participants in this important Summit. We believe that participation and involvement of all stakeholders, including both government officials and civil society are key for the achievement of a broad-based human development. We highly recommend that members of the ACCA and other organizations be invited to participate in the Summit, and welcome you to contact us.
Second, we call for – at a minimum – the priorities we outline below of affected communities and civil society in Africa in the context of business activity to shape the agenda of the US-Africa Leaders Summit, in particular the US-Africa Business Summit.

Third, we call on our governments to commit to implementing national action plans to communicate the steps they are taking to ensure human rights are protected in relation to business activities.

Fourth, we call for a dialogue to discuss our concerns and inclusion of these priorities in the Summit.

Priorities of African Civil Society and Affected Communities
At the launch of ACCA, coming together in recognition of the similar corporate harms we face despite the diversity of our local, regional and national contexts, we identified the following key priorities impacting our constituencies and communities:

1. **Collective & individual rights.** Enhancing the protection and respect for collective and individual rights in relation to the activities and relationships of business enterprises, in particular:
   - Collective rights, as articulated in the African Charter on Human and Peoples’ Rights, and applicable international human rights instruments, includes the right to self-determination; the right to freely dispose of their wealth and natural resources; the right to a healthy environment; and the right to their economic, social and cultural development considering their freedom, identity and common heritage. These rights must be protected by States and, at a minimum, respected by corporations.
   - Free prior and informed consent is a non-negotiable threshold for every aspect of projects likely to affect communities. Communities must be able to participate in decisions affecting them and their livelihoods, including through the negotiation and life cycle of a project.

2. **Enhancing protection and respect for labor rights.** Enhancing the protection and respect for labour rights in relation to business enterprises, in particular:
   - Recognizing that labour rights must include consideration of health and safety not only of those employed by the business, but also those affected by business activities.
   - Labour rights need to be committed to by governments, and where labour protections do exist, they must be enforced.
   - Labour rights need to be respected by corporations, and where labour rights are weak, corporations should adhere to regional and international labour rights protections.
3. **Ensure that remedies are strengthened.** Ensure that remedies are strengthened and obstacles to justice are eliminated, especially:

- Those affected by corporate-related human rights abuses must have a clear, effective and independent means of seeking remedy, both judicial and non-judicial.
- Facilitating access to regional and international remedies must be a priority, especially where State remedies are weak or non-existent.

4. **Ensure States implement their duty to protect.** Ensure States implement their duty to protect human and peoples rights, and environmental rights, in particular:

- African governments must develop national implementation plans to communicate the steps they are taking to ensure human rights are protected in relation to business activities.
- Governments must ensure transparency and access to information from both public and private actors, including in contracts, agreements and other information that materially affects community interests.
- African governments must ensure the effective enforcement of legal frameworks that seek to promote human rights protections in relation to business enterprises where they exist, including creation and enforcement of legal requirements of human rights due diligence on corporations.

**About the ACCA**

The African Coalition for Corporate Accountability (ACCA) was launched in November 2013. To date, 71 organizations from 27 countries on the continent have endorsed the declaration of the ACCA. We are a coalition of organizations based in Africa supporting our communities and individuals whose human rights are adversely impacted daily by the activities of corporations, both multi-national and domestic. We are civil society organizations working on issues ranging from mining and other extractive industries, public and private security sector accountability, natural resource rights, including land acquisition, tenure and property rights, financial regulatory policy, as well as accountability mechanisms for human and peoples rights, and environmental rights. ACCA is committed to implementing the United Nations Guiding Principles on Business and Human Rights in a critical and nuanced manner that reflects the challenges of advancing corporate accountability in Africa.

**In Conclusion**

We are writing to ensure that the upcoming US-Africa Leaders Summit agenda reflects the challenging daily realities our communities and constituencies face with regard to business
activity across Africa. We believe that this inaugural Summit provides a golden opportunity for the White House to demonstrate the value and practice of citizens engaging with their leaders.

We, therefore, respectfully call on you to ensure that:

1. African civil society is afforded the opportunity to officially participate in the US-Africa Business Summit in particular;
2. The priorities of the African Coalition for Corporate Accountability will at a minimum be integrated in the agenda of the US-Africa Leaders Summit and Business Summit;
3. The African Heads of State gathered make a commitment to implement national actions plans on business and human rights; and
4. A dialogue is established to address the concerns we raise in this open letter.

We thank you very much for your thoughtful consideration of our concerns and requests.

Sincerely,

1. JONCTION, Dakar, SENEGAL
2. Association for Law and Advocacy for Pastoralists (ALAPA), Arusha, TANZANIA
3. Centro Terra Viva-Estudos e Advocacia Ambiental, Maputo, MOZAMBIQUE
4. Legal and Human Rights Centre, Dar es Salaam, TANZANIA
5. Global Rights Burundi, Bujumbura, BURUNDI
6. Maa Civil Society, Nairobi, KENYA
7. Indigenous Concerns Resource Center, Nairobi, KENYA
8. Kerio Valley Community Organization, Kabarnet, KENYA
9. World One Future, CAMEROON
10. Perspectives Monde Juste (PMJ), Sud-Kivu, DEMOCRATIC REPUBLIC OF CONGO
11. Chiadzwa Community Development Trust, Harare, ZIMBABWE
12. African Resources Watch (AFREWATCH), Lubumbashi, DEMOCRATIC REPUBLIC OF CONGO
13. Global Rights Alert, Kampala, UGANDA
14. Aide et Action pour la Paix (AAP), Goma, DEMOCRATIC REPUBLIC OF CONGO
15. ONG Dimension Humaine, Sokodé, TOGO

16. Peace Point Action, Uyo, NIGERIA

17. Groupe de Recherche et de Plaidoyer sur les Industries Extractives (GRPIE), Abidjan, COTE D'IVOIRE

18. Action Contre l'Impunité pour les Droits Humains (ACIDH), Lubumbashi, DEMOCRATIC REPUBLIC OF CONGO

19. Centre for Applied Legal Studies (CALS), University of Wits, Johannesburg, SOUTH AFRICA

20. Actions pour les Droits, l'Environnement et la Vie (ADEV), Boma, DEMOCRATIC REPUBLIC OF CONGO

21. Centre d'Appui à la Gestion Durable des Forêts Tropicales (CAGDFT), Kinshasa, DEMOCRATIC REPUBLIC OF CONGO

22. JUSTICIA Asbl, Katanga, DEMOCRATIC REPUBLIC OF CONGO

23. PREMICONGO, Katanga, DEMOCRATIC REPUBLIC OF CONGO

24. Human Rights Council (HRCO) - Ethiopia, Addis Ababa, ETHIOPIA

25. Jamaa Resource Initiatives, Nakuru, KENYA

26. Fondation pour le développement au Sahel (FDS), Bamako, MALI

27. African Law Foundation (AfriLaw), Enugu, NIGERIA

28. Community Policing Partners for Justice, Security and Democratic Reforms (COMPPART), Abak, Akwa Ibom State, NIGERIA

29. Foundation For Environmental Rights, Advocacy & Development (FENRAD), Enugu, NIGERIA

30. Foundation for the Conservation of the Earth (FOCONE), Port Harcourt, NIGERIA

31. Leadership Initiative for Transformation and Empowerment (LITE Africa), Warri, Delta State, NIGERIA

32. Women Initiative for Transparency and Social Justice (WITSOJ), Port Harcourt, NIGERIA

33. Global Network for Good Governance (GNGG), Limbe, CAMEROON

34. Réseau Camerounais des Organisations des Droits de l'Homme (RECODH), Yaounde, CAMEROON

35. Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO), Goma, DEMOCRATIC REPUBLIC OF CONGO
36. Réseau CREF, Kanyabayonga, DEMOCRATIC REPUBLIC OF CONGO
37. Centre de Commerce International pour le Développement (CECIDE), Conakry, GUINEA
38. ONG Secours Net, Nouakchott, MAURITANIA
39. PAFED, Sokodé, TOGO
40. Buliisa Initiative for Rural Development Organisation (BIRUDO), Kampala, UGANDA
41. CEFoRD, Arua, UGANDA
42. Community of Marginalized Potters of Rwanda (COPORWA), Kigali City, RWANDA
43. Kenya Human Rights Commission (KHRC), Nairobi, KENYA
44. Centre for Human Rights, University of Pretoria, SOUTH AFRICA
45. Lake Albert Children Women Advocacy and Development Organization (LACWADO), Biiso, UGANDA
46. Association Ceinture Verte pour l'Environnement (ACVE), Bujumbura, BURUNDI
47. Lumiere Synergie pour le Developpement (LSD), Dakar, SENEGAL
48. Reach Out Cameroon, Buea, CAMEROON
49. Groupe d'Appui aux Exploitants des Ressources Naturelles, Kinshasa, DEMOCRATIC REPUBLIC OF CONGO
50. The Jus Semper Global Alliance, Moorpark, California, UNITED STATES
51. MiningWatch Canada, Ottawa, CANADA
52. EG Justice, Washington, DC, UNITED STATES
CC: United States Department of Commerce
Bloomberg Philanthropies
United States Embassies in Africa
United States Department of State
United States Agency for International Development
United States National Security Council
Office of the High Commissioner for Human Rights
United Nations Working Group on Business & Human Rights