

## Meeting notes: 4<sup>th</sup> ACCA GA, 14-16 November 2017

### Day 1: Private security and human rights

- Tuesday 14<sup>th</sup> November 2017 – Civil Society Role in Private Security
- Opening remarks and address on Private Security by Michael Yoboue – DCAF Followed by the Key Note Speaker – Sabelo Gumedze, addressed members on Private Security Industry Regulatory Authority (PSIRA)
- Stella Wangechi – Kenya National commission on Human Rights

The presentations above brought about discussions issues of security and violation of human rights particularly in the areas where mega projects are taking place. However, there was an urge for CSO members to start conversation with this companies to see how they can take up issues of security and identifying loop holes which can be used for reform and advocacy.

Michel Yoboue's opening address (available on ACCA's website).

Caleb Wanga – The Usalama Reforms Forum (available on ACCA's website).

Presentation by Sabelo Gumedze brought up issues for a forward discussion particularly on the regulation of Private Security. Countries such as South Africa has made strides in this sector, yet many other countries where there is an existence of Private Security there is no formal structured coordination of the Private Security Sector. The existing coordination in most of member organisation is by the Private Security themselves, and less from the angle of the Government and the participation of the CSO.

The role of CSO while working with the government agencies was clearly discussed; the examples from Kenya Commission for Human Rights brought to light issues of gender, participation, reporting back to the communities. Transparency and accountability.

Generally, the first session set a mood for more discussions on the collaborations between CSOs, the Governments/states and Private Security Companies.

### *After Lunch*

#### **Framework supporting civil society role in private security good governance international initiatives and regional responses**

Ms Nalleke's presentation was detailed in the substance of private security in the manner the subject matter was introduced, but also taking forward the role and the governance structure is expected in carrying forward the work of private security in Africa region but also tapping on the expertise from DCAF.

Discussions evolved around security subject, it being a newly area of discussion thus despite of its importance the aura of the room was at crossroads in making substantive contributions. It was, however, acknowledged that the topic should be timely and more discussions and partnerships were encouraged.

## ***Aly Sagne & Alan Bryden***

The presentation highlighted the relevancy and importance of clear and good understanding of private security, resources available and how CSOs can be part of the agenda/movement. Aly relates his experiences of Senegal and participation of his organisation in ensuring issues of complaint handling, monitoring, awareness and assistance of victim. He gave example of the case currently his organisation is handling, challenging they faced, evidence they gathered and how it brings about the difference to the work they are doing.

The same was linked with Observatory, which was a follow up discussion after Aly and Bryden presentation. Leaflets of Private Security Governance Observatory was circulated to CSOs participants and welcomed interested organisation to sign up.

## **Day 2: BUSINESS AND HUMAN RIGHTS SESSION – 15/15/2017**

### **Dante – UN Working Group on Business and HR**

Mr Dante had a length though provocative presentation which detailed the role of CSO, Intergovernmental organisation, IFIs and States on addressing issues of business and Human Rights. Particularly, Mr Dante's presentation addressed the issues of Policy framework, progress registered so far on the language of human rights clauses in harmonising values and transparency of IFIs. Whereas as a NOTE to the registered progress in respect to Human Rights, Chinese have released the English version of its Human Rights and Business principles.

#### **Among the issues addressed by Dante were:**

- Compensation should be around implementation
- Translation of commitments and not narratives
- Good intention into practical – issues revolving grievances, due diligence to have effective criteria
- Harmonisation in terms of language, principles in due diligence entry points
- Coherence in Policy for example OECD, SDG
- Transparency on issues of Human Rights risks, impact of business on Human Rights
- To ensure Human Rights language is imbedded into framework (for instance there is no need of having a standalone Policy framework e.g. ISO 1267
- Bottom-up leadership
- Individual and collective power
- Urged company's perspective on the money should also respect on lives and the Human Rights

The presentation focused on the introduction of the organisation and the work they do, they consider role of CSO plays on the Security in Private Sector. Presentation also address the opportunities for CSOs in this arena, whereas issues of positive collaboration, principles of respect on investment and NAPs guidance.

The issue of weak institutions, resources, and translation of narratives into implementation was also addressed. Presenters urged the importance of knowing who is doing what and where, commitment, capacity building and impact.

## **Ensuring respect for Human Rights in the private Security sector. ICoCA and the role of Civil Society**

International Code of Conduct Association, an alien subject to members yet with direct impact to the work of ACCA members.

The organisation contains three membership Private Security Industries, CSOs and the Governments with Secretariat based in Geneva and a twelve-member Board. All the pillars have the role in governing the organisation. Generally, the role of the organisation is to engage private security providers companies in ensuring they adhere to principles of human rights in communities that they are working. Wide a wide array of membership the structure governance system is in place to ensure proper governance rules are followed as the goal is to ensure responsible private security.

Presentation informed on the roles of the organisation, while confirming its certification to companies which are members to ICoCA, monitoring compliance of its members, receiving complaints.

### **NAPS in AFRICA: SUCCESS AND CHALLENGES**

General overview of the discussion.

- Culture of promoting Human Rights
- Universal periodic Reviews
- Awakening of the investment
- Community and (participants, inclusion, participate to remedy)
- Impossibility of negotiating terms
- The role and understanding of Human Rights Guiding Principles
- Implementation of NAPs linking with the Sustainable Development Goals
- Weak Institutions
- Resources
- Governance and Policy coherence
- Effectiveness and responsiveness to present challenges of the Business and Human Rights
- How to respond to problems holistically?
- Effectiveness
- Awareness of HRB principles is low
- Process to follow up on the remedies is technical (as the discussion is not just about access to remedy but how effective are the remedies)
- Effective access to remedy should not cause redress to other remedies
- Lack to compliance of effective remedies
- Noting Companies had reputation to lose
- CSO Advocacy role to lead changes in the community should be more strategic and involving members of the communities.

- Capacity of the State to retaliate on the effective remedies where they operate thru subsidiaries or companies' chains
- Operational grievous mechanisms
- Power dynamic – it was advised a consideration of other judicial or quasi-judicial mechanism
- Failure to represent community members, failure to meaningful engagement and dialogues
- Gender representation/marginalised groups (adverse/redress mechanism, grievous mechanism designed by companies and NOT designed thru or by the HRs guiding principles.
- Support to champion the goals by addressing issues brought forth by CSOs. The experience from Kenya informed, thematic working groups on priority areas were formed.

Lunch

### **Following the money for remedy –**

Slides available on ACCA's website.

### **Using Video to promote FPIC in extractive projects – NMAP & ZELA**

The presentation was well received by participants and brought about length discussions between members on the positive impact the video method to promote FPIC in communities affected or undergoing extractive projects. However, it was recommended organisers to provide transcribers to allow ACCA members attending the meeting as community representative/participants to follow and be part of the discussions.

### **Towards a binding international treaty on human rights and business the implications for the African continent – ESCR net**

Presentation available on ACCA's website.

## **Day 3: Thursday 16<sup>th</sup> November 2017**

Work Stream Consultations: FPIC presentation (available on ACCA's website) and access to remedy (available on ACCA's website), and ACCA Governance

### **ELECTIONS:**

- Reminder for members nominated their candidates as per email which was shared on 15<sup>th</sup> November 2017
- Reminder on voting rights to each member
- Mentioned the nominated members

### **The Way forward:**

- To improve on election rules
- To follow rules of Governance to elect members
- Though there is an expression of interest from out going members, members insisted on democracy and the need of voting those who have express interest
- Majority won, and the election was conducted by voting
- Voting was done electronically, and results were shared minutes later.