

ACCA annual activity report: 2017-2018



**ACCA**

**AFRICAN** COALITION FOR  
CORPORATE ACCOUNTABILITY

*ACCA: supporting African communities and individuals whose human rights are adversely impacted daily by the activities of corporations, both multi-national and domestic*

## **1. EVENTS:**

### **1.1 ACCA General Assembly 2017**

The 2017 ACCA GA was hosted in partnership with the Democratic Control of Armed Forces (DCAF). Mr. Dante Pesce, who is a member of the UN Working Group on Business and Human Rights (UNWG), delivered the key-note address at the 2017 GA and engaged with the membership on pertinent corporate accountability issues on the continent. The 2017 GA saw the participation of affected community members from Zimbabwe, Kenya, South Africa and Tanzania. The ACCA GA provided these community members with the platform to actively participate in consultation sessions on access to remedy and free prior and informed consent (FPIC), and to network with different civil society representatives from across Africa.

Some of the outcomes from the 2017 ACCA GA included: the presentation of and consultation on ACCA's reports on access to remedy and FPIC, hosting a capacity building session on the use of video to promote FPIC in extractive projects, hosting Steering Committee (SC) elections and meetings, and further strengthening relationships between members. The ACCA GA report was released on the ACCA website and shared on the various list serves on 04 April 2018.

*An important document that emerged from this ACCA GA was the ACCA Way Forward Document, which has served as a guiding document to both the ACCA SC members and the ACCA Secretariat in its activities and focus for the ACCA.*

*Following the request from the ACCA's member organisations in Kenya from last year's GA, we have decided to host this year's GA in Nairobi, Kenya. We would like to thank our partner organisation, Kenya Natural Resource Alliance (KeNRA) and their team for both their logistical and technical support.*

### **1.2 UN Forum on BHR 2017**

From 27 - 29 November 2017, a number of ACCA member organisations, and a few friends of the ACCA attended the annual UN Forum on Business and Human Rights (BHR) at the *Palais des Nations* in Geneva. The theme for the 6<sup>th</sup> UN Forum on Business and Human Rights was 'Access to Remedy'.

The ACCA, in collaboration with the CHR, ZELA, Global Rights Nigeria, along with the Business and Human Rights Resource Centre (BHRRC), compiled a joint proposal for a session at last year's UN Forum, which was accepted by the UN Forum organisers. The title of the ACCA's session at the UN Forum was: 'An African perspective to access to remedy – Regional challenges and needs'. This session provided the ACCA with a platform to present the findings from its research on access to remedy, which was very well received by the audience at the Forum. The ACCA received very positive feedback, and was proud to be one of the only African-led panel discussions, that featured a full panel from Africa, dealing with issues very specific to the African continent. The ACCA hopes to replicate this success in 2018.

During the 2017 Forum, ACCA members in attendance also came together for a side meeting that brought together friends of the ACCA, ACCA member organisations, and a few funders.

During this session, The ACCA SC members provided an update on the outcomes from the 2017 ACCA GA, as well as get feedback and input from the ACCA members on the panel discussion that was hosted by the ACCA. The Coordinator, together with the ACCA SC members, provided an opportunity for participants to share their thoughts on the UN Forum and action points for ACCA going forward. These reflections formed the basis of the ACCA statement which was released the day after the Forum, 30 November 2017. As was the case with the 2016 and 2017 the ACCA had a stand at the Forum, from which it provided information on the Coalition.

*For this year's UN Forum, the ACCA submitted a joint proposal with ZELA, and the Business and Human Rights Resource Centre on the theme of FPIC. As of 07 September, we are still awaiting feedback from the organisers, but remain hopeful that the outcome will be positive. The ACCA hopes to obtain a stand at this year's Forum, and appeals to ACCA member organisations to please send through videos of the work of their organisations, so that the ACCA may showcase the work of its members at this international event.*

### **1.3 AMI 2018 (5-7 February 2018)**

The AMI 2018 took place from 5-7 February 2018. The theme for this year's AMI was: Making Natural Resources Work for the People: Towards Just Legal, Policy and Institutional Reform. With the exception of one ACCA SC member, all ACCA SC members were present at the event. This event provided the ACCA with the opportunity to meet with funders, network, and meet with key partners.

#### **Side session**

On 6 February, the ACCA and the Office of Compliance Advisor Ombudsman (CAO) of the World Bank Group hosted a joint outreach event for CSOs in Cape Town to coincide with the Mining Indaba and Alternative Mining Indaba events. This information session provided an opportunity for CSOs to meet with staff from CAO and the ACCA to enquire about their work within the space of accountability of private sector projects in the Africa region.

### **1.4 In-person ACCA Steering Committee member meeting (8-9 February 2018)**

The ACCA Steering Committee, tasked with offering strategic guidance to the ACCA Secretariat and representing the membership, is committed to meeting in person at least twice annually. For practical reasons, the ACCA Secretariat attempts to schedule one meeting in the first quarter of the year, and the second meeting on the margins of the ACCA GA, which usually takes place towards the last quarter of the year.

The first SC meeting in 2018 took place on the margins of the AMI, which took place from 5 - 9 February 2018 in Cape Town, South Africa. From 8-9 February 2018, the ACCA SC members meeting took place at the Double Tree Hotel in Cape Town, the same venue as the AMI 2018. This meeting provided the SC member with the unique opportunity to discuss among other things:

1. Plan for the 5<sup>th</sup> ACCA GA;

2. Finalise norms and procedures: SC elections;
3. Discuss job interviews & job descriptions – Damian and project coordinator;
4. ACCA reports: access to remedy and FPIC;
5. Compile one-page funding proposal – fundraising strategy
6. Meet with funders.

#### 1 Plan for the 5<sup>th</sup> ACCA GA:

The ACCA SC members decided that the venue for this year's ACCA GA will be Nairobi, Kenya. The decision to host the ACCA GA in Nairobi was mainly due to the fact that the ACCA was unable to host its GA in Nairobi last year, and that the ACCA member organisations in Kenya expressed their willingness to welcome the ACCA in Nairobi for the following GA. In the spirit of continuing the ACCA's current focus areas on access to remedy and FPIC, the 2018 GA theme will be FPIC. It was also decided that the GA and associated side events will take place in the week of 08 to 12 October 2018.

The ACCA then collaborated with the terrific team at the Kenya Natural Resource Alliance (KeNRA) in the organising of this year's GA. The ACCA would like to extend their sincere gratitude and appreciation to the KeNRA on the helping with the logistical arrangements for this event.

#### 2. Finalise Norms and Procedures: SC elections

During the SC meeting, SC members drafted a. On 19 February, the reports in English and French were sent to SC members for deliberation. The draft version of the documents were sent to participants ahead of this meeting in preparation for our deliberations at this year's GA during which we hope to formally adopt these documents.

#### 3. Discuss job interviews & job descriptions – Damian and project coordinator

In order to keep up with the demands of expanding ACCA's meetings, size of the ACCA GAs, the cost of hiring additional staff members, the ACCA embarked on a fundraising campaign to hire a full-time Project Coordinator to take forward the substantive part of the ACCA's work and the advocacy part in terms of the ACCA's work streams. The membership at last year's GA also expressed the urgency of hiring a Project's Coordinator to join the Secretariat at the earliest moment.

On Friday, 2 February 2018, the job interviews for this post took place at the ACCA's host institution, the Centre for Human Rights. The interview panel was made of representatives from the Human Resources of ACCA's host institutions, the Director of the Centre for Human Rights, Josua Loots from the Centre for Human Rights, Damian Oakes from the ACCA, and Dr Michel Yoboue who represented the ACCA SC. Dr Yoboue participated in the interviews via Skype. Two of the shortlisted candidates participated in the interview via Skype, and one candidate appeared in person for the interview.

During the in-person SC meeting in Cape Town, Dr Michel Yoboue provided feedback to the SC members on the interviews. During this meeting, the SC members were granted the

opportunity to provide comments and recommendations on their preferred candidate. After careful deliberation, it was decided that **Guillian Koko's** candidature would be selected as ideal to fill this post.

#### 4. ACCA reports: access to remedy and FPIC;

It was decided that the comments and suggestions that emerged from the consultations sessions from the 2017 ACCA GA would be integrated, then made available in both French and English.

#### 5. Compile one-page funding proposal – fundraising strategy

During this meeting, the SC members provided input on the events at which the ACCA should be present. The events for which it was decided that the ACCA should raise funds include:

- a) Hosting a side session at African Commission on Human and Peoples' Rights
- b) Hosting a side event at the Zimbabwe Alternative Mining Indaba (ZAMI)
- c) Hosting the 5th ACCA General Assembly
- d) Attending the 7th UN Forum on Business and Human Rights

The ACCA is pleased to announce that it received funds for the above events. Unfortunately, the ACCA was unable to participate in this year's ZAMI, as the ZAMI, which usually takes place in September, was moved to October, owing to the uncertainty of the outcomes of the elections in Zimbabwe.

#### 6. Meet with funders

During the second day of the ACCA SC members meeting, Ximena Warnars met with the SC members and discussed the work of the ACCA. During a meeting with the Secretariat, the idea of commencing a South-South meeting with CSOs in Latin America working on FPIC. Following this discussion, the ACCA Secretariat established contact with Project Poder from Mexico, who is represented here at this year's GA. The ACCA looks forward to strengthening ties with Latin American CSOs not only in terms of work on FPIC, but also the proposed Treaty.

#### 7. Release a statement on the AMI 2018

On 15<sup>th</sup> February, an ACCA statement was released which reflected the ACCA SC members findings on the AMI 2018.

#### **1.5 Eastern and Southern Africa Regional BHR workshop (10-11 April 2018)**

Together with a few ACCA member organisations, the Kenyan Human Rights Commission and Business and Human Rights Tanzania (ACCA member organisation), Somo arranged workshop entitled "Addressing human rights impacts of business in Eastern and Southern Africa", which was held in Dar es Salaam, Tanzania on 10 and 11 April 2018. The workshop was part of the project: "Implementing the United Nations Guiding Principles on Business and Human Rights in Sub-Saharan Africa", implemented by the Centre for Research on Multinational

Corporations (SOMO); the Danish Institute for Human Rights (DIHR); the Kenya National Commission on Human Rights (KNCHR); Kenya Human Rights Commission (KHRC); Commission for Human Rights and Good Governance (CHRAGG) Tanzania; and Business and Human Rights Tanzania (BHRT). The meeting benefited from the presentations and expertise of several other ACCA member organisations. Some participants expressed keen interest in joining the ACCA.

### **1.6 NGO Forum, Nouakchott, Mauritania (21-23 April 2018)**

From 21-23 April 2018, the ACCA participated in the NGO Forum in Nouakchott, Mauritania which was convened by the African Centre for Democracy and Human Rights Studies. The NGO Forum precedes the Session of the African Commission on Human and Peoples' Rights. This was the first time that the ACCA attended the NGO Forum, and the ACCA seized this opportunity to network with NGOs present at the Forum, display ACCA material and participate in a panel discussion which took place on the second day of the Forum.

The ACCA, in collaboration with Business and Human Rights Resource Centre, and the Pan African Network of Human Rights Defenders, and ISHR, arranged a joint panel discussion which sought to speak on ACCA's on-going work on access to remedy through its workstream (focused on access to remedy), and attacks against human rights defenders working on business and human rights in Africa. The issue of access to remedy also came up in light of the attacks against human rights defenders (HRDs) working in the field of business and human rights in Africa, and the challenges they face when accessing remedy. The ACCA together with the Business and Human Rights Resource Centre used this opportunity to make suggestions based on the joint session to the Commission. An article on this session appeared in the first edition of the ACCA Quaterly Newsletter which was published earlier this year. You would recall that the issue of HRDs also came up in last year's GA.

### **1.7 Global convening meeting: 8-9 May 2018**

The ACCA together with select networks and coalitions from the USA, Australia and Europe convened in Chaussy, France, France for a global convening meeting that sought to strengthen the links between global networks working on business and human rights. The meeting objectives included:

1. To share lessons on key policy areas and ways of working;
2. To identify priority areas for future advocacy & campaign collaboration;
3. To explore options and opportunities for global campaigning.

Damian Oakes and Esther Gumboh participated represented the ACCA at this event, and used the opportunity to add the ACCA's input into the overall meeting discussions, particularly on due diligence and access to remedy. The ACCA also used this opportunity to talk on the findings of its report on access to remedy. The event also explored possibilities on how networks present can help spread information across one another along with possibly advocacy strategies going forward.

### **1.8 ILO High-Level policy dialogue**

On 14 May 2018, the Coordinator of the African Coalition for Corporate Accountability (ACCA) participated via Skype in an ILO high-level Policy Dialogue which took place in Geneva, Switzerland on “Inclusive growth and development: Aligning practices in the private sector with the 2030 development agenda”.

The event is one of five high-level policy dialogues designed to inform the work of the International Labour Organization’s Global Commission on the Future of Work (Commission). The ACCA’s input’s sought to deepen the Commission’s understanding of the issues and enrich its final report, scheduled for publication at the beginning of 2019. The ACCA took part in Session 3: Charting good practice – New incentive structures to share profits and align enterprises with SDG goals. The ACCA’s presentation was centred on the following topics:

- ACCA's role in Africa (brief introduction);
- Challenges faced when using existing systems for corporate accountability to access remedies for local communities; and
- Solutions and good practices to improve access to remedy for African communities (as reflected in the ACCA’s on-going reports on access to remedy and Free, Prior and Informed Consent - FPIC).

The ACCA took advantage of this event to present its work and make recommendations to the Commission. The presentation and recommendations were well received, and the organisers of the event expressed their gratitude to the ACCA for making its participation.

## **1.9 2018 ACCA GA**

This year marks 5 years since the ACCA was officially launched with the support of Global Rights during the inception meeting which took place in Accra, Ghana. To mark 5 years since the official launch of the ACCA, this year’s GA will be unique by ensuring that all sessions are more interactive and participative. This year’s GA will be guided by community narratives, and allow spaces and opportunities for the ACCA membership to network and interact, and showcase their daily work. There will also be an NGO fair which seeks to maximise networking opportunities and areas for collaboration both among ACCA member organisations and partner organisations of the ACCA.

### **Webinars**

Following Mr Dante Pesce’s key note address at last year’s ACCA GA, the ACCA approached Mr Pesce on the possibility of hosting a webinar on this address. On 02 August 2018, the ACCA in collaboration with the Centre Vincular in Santiago, Chile organised a webinar that sought to introduce the UN Guiding Principles and provide practical information on how and why companies need to embed a human rights perspective into their management and operational structures. There were around 34 participants present for the Webinar. The ACCA hopes to host webinars and continue collaborating with such organisations to continue to help build the capacity of the ACCA member organisations on a range of business and human rights issues.

## **2. Governance and structure:**

## **2.1 Election of a new ACCA SC member: Centre for Applied Legal Studies (CALs)**

During the 2017 ACCA GA, elections for ACCA member organisations to serve on the ACCA SC took place. From these elections, the membership elected a new ACCA member organisation in the form of the Centre for Applied Legal Studies (CALs) who is represented by Dr Esther Gumboh, who is present here with us today. Dr Gumboh has taken to her role like a fish to water, and has also been a key role in helping drive the ACCA's work on the proposed Treaty on Business and Human Rights. We would like to officially welcome Dr Gumboh and applaud her for her commitment to the ACCA SC.

At the same time, we would like to recognise the work and effort that Mr Eric Kajemba from the *Observatoire Gouvernance et Paix* (OGP), based played during his term as an active ACCA SC member meeting. We would also like to acknowledge the role played by his spouse, Mrs Christine Cherubala in accompanying Eric on all of his meetings. The English saying teaches us that behind every successful man there is a woman. However, we at the ACCA believe that the Christine is a successful woman who has made this couple a dynamic duo. We would like to congratulate and thank Eric and Christine for their commitment to the ACCA during Mr Kajemba's term as ACCA SC member and for their continued engagement with the ACCA.

## **2.2 Hiring of a Projects Coordinator**

A call for applications was released to recruit the ideal candidate as a Project Coordinator to take the lead on ACCA's substantive work on free, prior and informed consent (FPIC) and access to remedy. This call for applications bears testimony to the growth and progress that ACCA has made since its inception meeting in Accra, Ghana in 2013. The new candidate will be recruited with the intended purpose of assisting ACCA in playing a more prominent role business and human rights issues on the continent, and ACCA's desire to support African communities and individuals whose human rights are adversely impacted daily by the activities of corporations, both multi-national and domestic. The call for applications was published on ACCA's social media platforms and shared far and wide with ACCA's network.

In total, 75 applications were received for this post, which were forwarded to the ACCA SC members. The SC members reviewed the applications received and decided that three (03) candidates would be shortlisted for job interviews.

The Steering Committee of the ACCA considered the following criteria in shortlisting candidates:

- Relevant educational and professional background;
- Demonstrable knowledge on issues around corporate accountability and human rights in Africa; and
- Strong research and writing skills.

In addition, even if not a formal requirement, the ability to communicate and write in French was a strong consideration in the process. Koko's, as he is more commonly referred to, profile was shared in the ACCA newsletter, along with an exclusive interview that was conducted between him and the current Communications and Development Coordinator.

## 2.3 Communications and Development Coordinator

Since the hiring of the project's Coordinator, the ACCA Coordinator – Damian Oakes' role will now focus on communications and development.

### Development and collaboration with other organisations:

The ACCA has seen a steady growth in terms of the number of organisations with which the ACCA collaborates, which include:

**New Media Advocacy Project (NMAP) & Witness** – Following the capacity building session that took place at last year's GA, the ACCA re-established links with NMAP to see if the organisation would be willing to deliver a training workshop at this year's GA. The idea was also to collaborate with a similar organisation, Witness (who has delivered a capacity building session at the 2016 ACCA GA). Going forward, the ACCA hopes to deepen its relationship with both NMAP and Witness in ensuring that the membership has greater access to training sessions provided by these amazing organisations.

**Business and Human Rights Resource Centre** – Going forward, working closer with institutions like BHRRC will help ensure that ACCA members are aware of existing tools and information, which can be shared with affected communities. The ACCA GA resolved to deepen relations and partnerships with organisations such as the BHRRC. Firstly, through their three existing contact points in South Africa, Nairobi, and Senegal, as well as through the entire BHRRC Global Team. BHRRC have already begun conversations internally as the Africa team on how best they can be of use to ACCA mainly through deploying our competencies as defined by their niche. The discussions led to the Business and Human Rights Resource Centre delivering a training session at this year's GA on the 'I' component of FPIC. Following this year's GA, the Communication and Development Coordinator will continue liaising with the Business and Human Rights Resource Centre to deepen the collaboration.

**The Coalition for Human Rights in Development** – Following the side event organised by the Coalition for Human Rights in Development at the 2017 ACCA GA, Coalition members are planning a series of capacity building workshops on remedy. Given ACCA's focus on access to remedy through its work stream we are in discussion on as to how ACCA and its member organisations can participate. Events in which a few ACCA member organisations were involved was the civil society meeting which took place in Abidjan, Cote d'Ivoire from 5 to 6 May 2018.

**Escr-Net** – Link and identify ACCA member organisations who are currently working on or interested in getting involved in the Treaty process. Participate in the discussion around the adoption of a Treaty on Business and Human Rights.

## 3 Communications and social media platforms:

The ACCA's social media platforms are also quite active, including its Facebook page, YouTube channel, and Twitter account. ACCA also produces a quarterly newsletter, which is circulated to approximately 200 subscribers.

## **ACCA press statements:**

The ACCA released statements as per below:

- The UN Forum 2017 – released on **30 November 2017**
- The AMI 2018 – released on **15 February 2018**
- A joint statement between ACCA and AFRILAW - UK Court of Appeal Rules Royal Dutch Shell Not Liable for Nigeria Oil Spills – released on **23 February 2018**
- **New press statement on Unilever** – released on **15 August 2018**. In the build up to the release of both this statement and the joint statement between the ACCA and AFRILAW, the ACCA was in touch British law firm Leigh Day. This statement was also released in response to a request raised from the membership during last year's GA, which was noted in the ACCA Way Forward document: *"Declaration/ press statement condemning the violations of mining companies in East Africa*).

## **ACCA member organisations**

The number of ACCA member organisations has grown by the addition of three new member organisations, namely:

- Zambia Women Alliance (present here with us);
- New Nigeria Foundation; and
- Human Rights Development Initiative (HRDI)

For this GA, we hope that the ACCA can help consolidate its membership by ensuring greater participation with both its members and partner organisations alike in terms of advancing the ACCA's activities. Today's sessions will be geared towards brainstorming with the membership on how we can achieve the goal of making the ACCA more relevant for its member organisations.