

BUSINESS AND HUMAN RIGHTS

- **DEVELOPMENT OF NATIONAL ACTION PLANS (NAPS)**

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Corporate Accountability-ACCA***

Outline...

- Introduction of ACCA
- Overview of National Action Plans (NAPs) on Business & Human Rights
- Why NAP/Benefit?
- Criteria for development of NAPs
- TIPS For NAP dev..
- Why NAPs Snooze/awake?
- Conclusion

About ACCA..

- *ACCA-The African Coalition for Corporate Accountability*
- *Launched in Nov. 2013 with the support of Global Rights.*
- *More than 100 organizations from 28 African countries.*
- **NB:** *Coalition of organ.. based in Africa which support communities & individuals whose rights are adversely affected by the activities of both national & transnational corporations.*

Cont...

- *Works on issues related the mining industry and extractives industries*
- *Works on the aspect of public & private security, natural resources rights, the right to land, financial regulation policy and accountability mechanisms for human & peoples' rights and environmental rights.*

ACCA....

- *ACCA's vision: To have a continent where communities' rights to development is fully fulfilled and where the liberty in terms of the participation in this right is respected.*
- *ACCA envision an Africa where human rights are promoted, protected and respected by enterprises and governments, and where the victims and communities affected by human rights violations have access to adequate and effective remedy.*

WHAT ARE NATIONAL ACTION PLANS?

- Policy documents in which...
- ...a State articulates priorities and actions that it will adopt...
- ...to support the implementation of international, regional, or national obligations and commitments...
- ...with regard to a given policy area or topic.

WHERE DO NAPs COME FROM?

- 2014 UN Human Rights Council....
- Earlier calls for States to develop NAPs at the EU level
 - European Commission Communication (2011)
 - European Council (2013)
 - UN Working Group -online repository & draft guidance
 - ICAR-DIHR Toolkit in June 2014

WHO IS NAP-ING?

Already have NAPs:

- The United Kingdom
- The Netherlands
- Denmark
- Finland
- Lithuania
- **Draft NAPs:**
 - Italy
 - Spain

Cont...on the process

- ▶ **Ghana**
- ▶ **Kazakhstan**
- ▶ **Kenya**
- ▶ ***Tanzania***
- ▶ **Morocco**
- ▶ **Poland**
- ▶ **Serbia**
- ▶ **South Africa**
- ▶ **Zambia**

WHY NAP?

- Review a country's human rights needs...
- Raises awareness
- Mobilizes a broad spectrum of society in a cooperative atmosphere
- *Promotion of uptake of UNGPs*
- Coordinate efforts towards a given policy objective across the gvt...

Cont...

- Propose realistic activities;
- Set achievable targets;
- Promote linkages with other national programs...
- General commitment to action
- *Enhances collaboration, dialogue, trust-building among stakeholders*

Why NAPs?....

- Avoidance of duplication inconsistencies b/n the gvt depart..
- A centralized national policy docs
- Allows gvts to articulate to stakeholders a coherent policy position even over complex and broad-ranging topics

The outcome of HRs NAP

include :

- Stronger legal frameworks-firmer adherence to international norms, incorporation of HRs stds in domestic law
- Better protection for individuals;
- A stronger culture of human rights;

Cont...*outcome*

- Stronger national Institutions for the promotion & protection of HRs;
- More effective social programs that enhance the quality of life for all e.g. vulnerable groups;
- Improved national harmony, reducing risks of internal conflicts.

Criteria for National Action Plans (NAPs) on Business and Human Rights

- Identify & publicly communicate leadership, ownership of the NAP dev. & implementation process within the government;
- Devise & publish TOR & timeline
- Allocate adequate resources to the NAP process.

Criteria.....

- Effective participation of stakeholders
- Begin with NBA-gvt's current implementation of the UNGPs & other frameworks,
- Base the content of NAP on the results of this baseline assessment (NBA);

Criteria....

- Articulate action points (i.e. commitments) within the NA
- The process should be transparent
- Map a framework for the monitoring of & reporting on implementation of the NAP once published.

Criteria....

- Address the scope of the UNGPs within the NAP, & extent of the State's territory & jurisdiction;
- Assign responsibility for the implementation of action points within the NAP & overall follow-up;

NOTE/TIPS (*Process & Resources*)

- NAPs should support State protection of HRs
- NAPs dev. & implementation should be gvt-wide effort & involve key divisions responsible for BHRs activity
- NAPs dev. Should form a basis for comm. & coordination within & outside the gvt

NOTE/TIPS..

- NAPs dev.-be used as a process to raise awareness of BHRs
- NBAs should be an important component of developing NAPS
- A NAP- ongoing process & should be monitored & reviewed over time
- It should strengthen existing Regional & Int. collaboration

NOTE/TIPS *(Scope, content & priorities)*

- NAPs should identify & address national issues
- NAPs should focus on internal & external issues
- NAPs should not only focus on voluntary measures

NOTE/TIPS *(Scope, content & priorities)*

- NAPs should build existing on existing Stds, models & tools
- NAPs should clarify the r'ship btn BHRs & CSR
- The state-business nexus-be a priority
- Access to remedy –centrally placed in NAPs

WHY MIGHT NAPs BE A SNOOZE?



- They are means, not an end
- Content overall so far has been disappointing
- Potential resource drain
- Potential excuse not to engage in treaty process

WHY ARE NAPs REVIVING?



- Race to the top for gvt's' BHR commitments
- Policy coherence (for ALL stakeholders)
- Crystallizing ownership for the BHR agenda
- Broadening participation in corporate accountability issues & trust-building
- Complements the treaty process

Conclusion..

While abiding to other Guiding principle might be a good idea, UN Guiding principle remain to be the best option/idea and therefore development of the NAPs is unavoidable option.

ASANTE SANA (THANK YOU)

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