

## **Report on the 4<sup>th</sup> Session of the IGWG meeting held in Geneva from 15 to 19 October 2018**

This report is prepared for the African Coalition for Corporate Accountability (ACCA) community in light of the ACCA's participation in the 4<sup>th</sup> session of the Open-Ended Intergovernmental Working Group (OEIGWG) on Business and Human Rights, which took place in Geneva from 15 to 19 of October 2018. This meeting marks the first IGWG meeting in which the ACCA Secretariat participated.

### **I. The Treaty negotiation session**

The main objective of this session sought to discuss the substantive negotiations of the Draft Legally Binding Instrument (LBI), aimed at regulating the activities of Transnational Companies (TNC), commonly known as the 'Zero Draft Treaty' and its Draft Optional protocol.

Participants in this session included: experts, panellists, moderators, delegates from different countries, business representatives, civil society organisation (CSO) representatives, trade union representatives, lawyers, academics, and researchers.

It is perhaps important to note that US delegates were largely absent, given that the US is not actively participating in the Treaty process. While European Union (EU) member government delegates were present during the plenary sessions, they did not participate on behalf of their government. The EU parliament, however, displayed a degree of constructive engagement on behalf of its members.

More information on the session's content, programme, full report and summary of submission made both by delegates, expert and NGOs activists, may be found below:

1. [The full report of the 4<sup>th</sup> session](#); and
2. [Sides events](#).

### **II. The ACCA's involvement in the 4<sup>th</sup> session.**

As a member of the Treaty Alliance (TA), the ACCA attended a number of meetings and gatherings organised by the TA. The ACCA put forward a number of meaningful suggestions during these different meeting arranged by the TA. Some of the ideas put forward by the ACCA during these meetings included:

- Supporting access to remedy for victims of Economic, Social and Cultural Rights (ESCR) violations included in the Zero Draft;



- Ensuring that a direct obligation be addressed to TNCs as duty bearer to uphold rights of all;
- The application of this binding instrument should be applied to any businesses, regardless of transnational nature and its ultimate goal is to eliminate corporate abuses.

The Treaty Alliance (TA) issued a press statement during the session of which the ACCA was a signatory, which may be found [here](#). Given the importance of gender concerns in Africa, the ACCA advocated for the inclusion of gender specific issues to both the TA sub-group dealing with a gender perspective, and the sub-group dealing with war in affected areas. Some of these contributions included:

- Publishing an updated Draft One Treaty, which reflects the inputs and comments made on the Zero Draft Treaty, including inputs made by civil society and affected communities throughout the process; and
- Allocating a reasonable timeline for additional written submissions by states and civil society on the Zero Draft.

As part of the African region movement, the ACCA convened a side meeting with other African CSO's present at the IGWG meeting. Organisations present at the meeting including: the Centre for Applied Legal Studies (CALs), Lawyers for Human Rights (LHR), Friends of the Earth Mozambique, the Association for Women's Rights in Development (AWID), Zimbabwe Environmental Law Association (ZELA), International Service for Human Rights in Liberia, and the National Federation of the Agricultural Sector (FNSA), Morocco. A joint press statement, available [here](#), was released by participants at this side meeting. This press statement reflects meeting participants' observations on the IGWG meeting. The convening of CSOs, as part of the African block, came as a response to concerns raised by African CSOs to ensure meaningful participation of African states in discussions around the Treaty process, both in the plenary sessions and associated meetings around the Treaty.

Participants present at this meeting agreed that African CSOs should endeavour to advocate in the following ways:

- engage with representatives of African governments who are not participating in these plenary sessions and explore ideas on how CSOs can assist them in improving their participation;
- the key message to take to African delegates should be to call upon African delegates to fully participate in the session;



- States should engage with other states to ensure States' full support of the Legally Binding Treaty, and encourage their active participation;
- assess ways in which CSOs can assist African countries to participate fully in the process.

The ACCA had a fruitful meeting with the Global Campaign (GC). This meeting led to the ACCA's invitation to participate and present a paper on 'Militarisation in the DRC' during the first Peoples Permanent Tribunals on Transnational Corporations (PPT) in the Southern Africa region, which take place from 9 to 11 November 2018, in Johannesburg, South Africa.

The ACCA partook in a meeting with the South African Ambassador to discuss the participation of other African states present at the IGWG sessions and brainstorm on new strategies to lobby African delegates and heads of State to fully support the Zero Treaty. The meeting was arranged together with CSO representatives working in South Africa and the SADC region attending the IGWG meeting. During this meeting, South Africa's support with the Ecuador Zero Draft Treaty was manifested. The South African Ambassador appealed to South African CSOs attending the meeting to rally behind the Treaty. The South African Ambassador recommended that CSOs seize every opportunity to work collaboratively in engaging and lobbying African delegates and Heads of State for their meaningful engagement and support of the Zero draft Treaty.

On Friday 19<sup>th</sup> November 2018, after the plenary sessions, the ACCA was called upon to present the ACCA members' perspective on the Treaty and reflections on the five-day session, and highlight next steps in engaging with States and other stakeholders in the Treaty process. This meeting was convened on the last day of the session by CALS and FDIH.

### **III. Way forward for the ACCA:**

During the closing Session, the Chairperson of the Working Group on Business and Human Rights allocated a timeframe of three months to CSOs and other stakeholders to make their submissions to improve the draft version of the legally binding instrument. The deadline for submissions is set for February 2019. Together with its internal Working Group on the Treaty, the ACCA Secretariat will develop a submission document, and keep its membership along with interested parties updated on developments in this regard.

In the interim, The IGWG will continue incorporating the changes and suggestions made to the LBI and its draft protocol during the 4<sup>th</sup> session. Thereafter, another draft will be



presented for further deliberation, which will be presented during the 5<sup>th</sup> session scheduled to take place in November 2019.

The outcomes of this meeting manifested the need for the ACCA's involvement in the Treaty process. Going forward, the ACCA member organisations will need to think of creative strategies on how to lobby both national governments and diplomatic representatives of African governments to voice their support of the LBI or Zero Draft Treaty.

For more information on this meeting, the ACCA's involvement in the Treaty process, and information on how your organisation can join the ACCA's working Group on the Draft Treaty, please contact Guillain Koko at [projects@accahumanrights.org](mailto:projects@accahumanrights.org).



