

## Declaration of the African Coalition for Corporate Accountability (ACCA)

Launched in Accra, Ghana on 27 November 2013

We, the undersigned organisations, some of which came together in 2012 to create a regional coalition for corporate accountability, announce our intention to launch the African Coalition for Corporate Accountability (ACCA).

We, the undersigned organisations, support African 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 extractives 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.

We welcome the United Nations Guiding Principles on Business and Human Rights ("UN GPs"), universally endorsed by the United Nations Human Rights Council, as an important international framework to advance corporate accountability. We however note that the UN GPs, as currently framed and understood, do not fully reflect the experiences and concerns of our constituencies and are currently failing to change lived realities on the ground. We understand that the Guiding Principles impose a State duty to protect, and a corporate responsibility to respect, human rights; however, this is complicated by the reality of weak African States with weak or non-existent legal frameworks, collusion between States and corporations, and the privatisation of State duties.

We express grave concern about the impunity with which companies continue to operate in our jurisdictions in the absence of strong State regulation and enforcement of civil and criminal liability. In particular, we note the distinct and systemic human rights challenges experienced on the African continent: a persistent infringement of collective and individual rights; unregulated exploitation of natural resources; the lack of access to effective remedies; the absence of transparency and effective coherent policies in respect of financial governance; a lack of bargaining power in contractual negotiations; and unlawful use of force by state and non-state actors. We also note the gendered manner in which these corporate harms disproportionately affect those with less power in our communities.



The formation of our coalition, the ACCA, is a recognition of the similar corporate harms we address in our work and an effort to come together in solidarity to better address these challenges through shared strategies and joint advocacy. We commit to rigorous advocacy with regional and international institutions, governments, national human rights institutions, companies, and communities to implement the UN GPs in a critical and nuanced manner that reflects the challenges of advancing corporate accountability in Africa. We commit to working collaboratively, communicating our strategies, advocacy plans and efforts in the hopes of knowledge and information sharing. Recognising the multiple and distinct challenges we face, we identify the following initial issues impacting our constituencies and communities:

1. The need for enhancing the protection and respect for collective and individual rights in relation to the activities and relationships of business enterprises
  - a. 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.
  - b. 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. The need for enhancing the protection and respect for labour rights in relation to business enterprises
  - a. 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.
  - b. Labour rights need to be committed to by governments, and where labour protections do exist, they must be enforced.
  - c. 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. The need to ensure that remedies are strengthened and obstacles to justice are eliminated.
  - a. Those affected by corporate-related human rights abuses must have a clear, effective and independent means of seeking remedy, both judicial and non-judicial.
  - b. Facilitating access to regional and international remedies must be a priority, especially where State remedies are weak or non-existent.



4. The lack of implementation of the State duty to protect human and peoples rights, and environmental rights.
  - a. 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.
  - b. 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.
  - c. 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.

Our coalition, the ACCA, seeks to ensure that these critical issues are addressed. We express our commitment towards advocacy, engagement and critique to ensure that governments from our diverse set of countries across Africa are engaging in the promotion and protection of human rights in relation to business activity, and that corporations at a minimum respect human rights in all of their operations.

We will continue our work and commitments until these objectives are achieved, and we commit to working with regional and other supportive partners to ensure that this becomes a reality.

This declaration remains open for endorsement by African civil society organizations, and has already been endorsed by the following 45 organizations:

*From Central Africa:*

Rencontre pour la Paix et les Droits de l'Homme (RPDH), Pointe-Noire, REPUBLIC OF CONGO

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

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

Bureau de Développement Communautaire de l'Eglise Catholique Libérale (BDC-ECL). Kindus, DEMOCRATIC REPUBLIC OF CONGO

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



Conseil National des Organisations Non Gouvernementale de Développement (CNONGD), Kinshasa, DEMOCRATIC REPUBLIC OF CONGO

Conseil Régional des Organisations Non Gouvernementale de Développement (CRONGD), Mbuji-Mayi, DEMOCRATIC REPUBLIC OF CONGO

Groupe d'Appui aux Exploitants des Ressources Naturelles, Kinshasa, DEMOCRATIC REPUBLIC OF CONGO

JUSTICIA Asbl, Katanga, DEMOCRATIC REPUBLIC OF CONGO

Kindu Maendeleo (KM), Kindu, DEMOCRATIC REPUBLIC OF CONGO

PREMICONGO, Katanga, DEMOCRATIC REPUBLIC OF CONGO

Syndicat National des Professionnels de la Presse (NSPP), Kindu, DEMOCRATIC REPUBLIC OF CONGO

Public Interest Law Center (PILC), Chad

*From Eastern Africa:*

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

Endorois Welfare Council (EWC), Nakuru, KENYA

Jamaa Resource Initiatives, Nakuru, KENYA

Kenya Human Rights Commission (KHRC), Nairobi, KENYA

Kenya Union of Hair and Beauty Salon Workers (KUHABSWO), Nairobi, KENYA

Kerio Valley Community Organization (KVCO), Kabarnet, KENYA

Community of Marginalized Potters of Rwanda (COPORWA), Kigali City, RWANDA

Legal and Human Rights Centre (LHRC), Dar es Salaam, TANZANIA

Zimbabwe Environmental Law Association (ZELA), Harare, ZIMBABWE

*From Northern Africa:*

Habi Center for Environmental Rights, Cairo, EGYPT

*From Southern Africa:*

Centre for Applied Legal Studies (CALs), University of Wits, Johannesburg, SOUTH AFRICA

Centre for Human Rights, University of Pretoria, SOUTH AFRICA



Legal Resources Centre (LRC), Johannesburg, SOUTH AFRICA

Natural Justice, Cape Town, SOUTH AFRICA

*From Western Africa:*

Nature Tropicale ONG, Cotonou, BENIN

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

Livelihood and Environment Ghana (LEG), Ahafo, GHANA

Wassa Association of Communities Affected by Mining (WACAM), Accra, GHANA

Sustainable Development Institute (SDI), Duarzohn, Margibi, LIBERIA

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

Collectif des Organisations de Défense des Droits de L'Homme et de la Démocratie (CODDHD), Niamey, NIGER

African Law Foundation (AfriLaw), Enugu, NIGERIA

Community Enhancement and Environmental Awareness Foundation (CEEAF), Port Harcourt, NIGERIA

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

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

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

Global Rights Nigeria, Abuja, NIGERIA

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

Support Initiative for Sustainable Development (SISDEV), Port Harcourt, NIGERIA

Women Environment and Development Network (WEDEN), Port Harcourt, NIGERIA

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

Lumière Synergie pour le Développement (LSD), Dakar, SENEGAL

Network Movement for Justice & Development (NMJD), Freetown, SIERRA LEONE



ONG Dimension Humaine, Sokode, TOGO

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