

Report

Third Meeting of the African Coalition for Corporate Accountability (ACCA)



Held at the University of Pretoria, South Africa from 6-7 July 2016

September 2016

ACCA: supporting communities and individuals whose rights are adversely affected daily by the activities enterprises.



African Coalition for Corporate Accountability
La Coalition Africaine pour la Redevabilité des Entreprises

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1. A Word from the Coordinator:

It is my pleasure to present this report to the members and friends of the African Coalition for Corporate Accountability (ACCA). After the first in-person ACCA Steering Committee meeting, preparation immediately commenced for the third ACCA General Assembly. The General Assembly was well attended by ACCA members, including ACCA's founding members which include: Lien De Brouckere, Amol Mehra, Sheila Keetharuth, not to mention ACCA members who work tirelessly to ensure ACCA's success.

The cold weather in Pretoria on 6 and 7 July did not deter attendees from making the most of this General Assembly. Attendees arrived with a desire to learn more about the progress made in the ACCA since the previous meeting in Addis Ababa, Ethiopia from 18 – 20 September 2014. The warm welcome that ACCA members and friends received as they met one another in the hotel and hallways of the meeting venue added to the meeting's ambiance.

This was the first General Assembly since the appointment of the 7-member Steering Committee and first full-time Coordinator. Throughout the 2-day event, the ACCA SC members worked in harmony with ACCA members present and participants alike. As was the case with the previous ACCA General Assemblies, participants participated freely in substantive discussions on the work of ACCA members on the Coalition's activities.

The ambiance during the tea breaks spoke volumes of the level of camaraderie within the Coalition and the extent to which participants were eager to network, proving that ACCA is not merely a Coalition *per se*, but a true community of civil society organisations whose main purpose is to support our communities and individuals whose rights are adversely impacted daily by the activities of corporations. The Cocktail evening was well attended by the attendees of the event who were warmly welcomed by the Director for Centre for Human Rights, Professor Franz Viljoen, the host organisation of the ACCA. The Dean of the faculty of Law at the University of Pretoria, Professor André Borraïne, delivered a speech during the event.

Abundant congratulations and sincere thank you to all for your contribution to the ACCA which is shaping up to be a truly continental coalition.

Damian Oakes



2. Executive Summary:

From 06 – 07 July 2016, the much anticipated 3rd General Assembly of the African Coalition for Corporate Accountability (ACCA) took place. The General Assembly took place at the University of Pretoria, South Africa. The event was attended by approximately 100 people, which included a larger number of ACCA members, as well as a small number of external participants and students. The ACCA Steering Committee seized the opportunity to hold two separate meetings during which internal matters related to the ACCA were discussed.

On the first day of the GA, the co-chairperson of the ACCA Steering Committee provided an annual report back on the activities of the ACCA. It also saw the members engage with the SC members in a constructive manner.

The ACCA General Assembly saw participants deliberate on substantive issues that included: FPIC, access to remedy, the proposed treaty on business and human rights, development finance, and video advocacy. A brief capacity building session on video advocacy was delivered by Witness, an international NGO focusing on the use of video and other media in advocacy efforts.

ACCA members voted on and adopted the two work streams on FPIC and Access to Remedy which will be led and driven by the ACCA Secretariat in close collaboration with the Working Groups. In addition to voting on the two work streams, members were given the opportunity to send their comments regarding the ACCA working documents. Once all the comments and suggestions had been received from the floor, members were able to vote for the adoption of these documents.

The major goals achieved from this General Assembly include:

- Adoption of the ACCA Norms and Procedures;
- Adoption of the ACCA Strategic and Action Plan;
- Adoption of the Terms of Reference and formation of two (2) ACCA Thematic Working Groups on Access to Remedy and Free, Prior and Informed Consent; and
- Increased understanding and fostering of relationships among African civil society organisations working to further corporate accountability.

3. Who participated in the GA?

The GA brought together participants from all across the continent, representing civil society, legal practitioners, academia, community based organisations, as well as a number of national human rights institutions. Commissioner Solomon Dersso from the African Commission on Human and Peoples' Rights, also the Chairman of the African Working Group on Extractive Industries, Environment and Human Rights, gave the opening remarks.

Simultaneous interpreting services (English-French) were provided for the participants for all the plenary sessions and the two parallel sessions on FPIC and Access to Remedy during the GA along with



the ACCA SC side-meetings that took place on 05 and 08 July respectively. The participants expressed their gratitude to the interpreters for the excellent work done throughout the event.

3.1 Selection process

Participants were selected to attend the third ACCA GA by the ACCA Secretariat. In April 2016, the ACCA Secretariat sent an email to the ACCA mailing list and other networks asking those interested in attending the Third Meeting to complete an online form expressing their interest. Participants were selected from the pool of persons who completed the survey based on a number of criteria, including: representing organisations with a demonstrable record of working on corporate accountability issues, representing a diversity of regions, languages and scale of work (such as community-based or national-level work), demonstrable interest and commitment to the ACCA. In total, 66 requests to attend the ACCA GA were received.

During the week of 4-9 July, a short course of business and human rights which was offered by the Centre for Human Rights saw a total of eight (8) ACCA members who attended this course. In addition to the ACCA members who were selected to attend the GA, participants of the short course attended the GA which formed part of the short course. Participants who were not members of the ACCA at the time of the GA were strongly advised to apply for membership.

4. Session of the use of video in advocacy and mobilisation

Isabelle Mbaye from Witness delivered a presentation on the use of video in advocacy and mobilisation on the second day of the GA. The presentation was centred on the strategic use of video to change policies, practices, behaviours, and laws whilst acknowledging the strengths and shortcomings of video for advocacy purposes. The presentation sought to inform attendees on how to create a Video Advocacy Plan, to clearly establish the purpose of the video, and how to determine the audience while being mindful of potential safety and security concerns.

The presentation also touched on forced evictions which were captured in a case study with CEMIRIDE and the Endorois, an indigenous community in Kenya. The Endorois community was forcibly evicted from their land by the Kenyan government. This video was used as evidence against the Kenya government and presented at African Commission on Human and Peoples' Rights.

5. Formation of two ACCA Thematic Working Groups

During the first in-person SC meeting in Nairobi, Kenya which took place in February 2016, two co-chairpersons were elected by the Steering Committee to work closely with the ACCA Secretariat and to work towards the realisation of the goals as outlined in the draft version of the Terms of Reference on FPIC and Access to Remedy.



Following the first in-person meeting, the ACCA Secretariat together with the co-Chairpersons of the ACCA commenced preparing a draft version of the Terms of Reference on FPIC and Access to Remedy which will be used by the ACCA Working Groups which will be formed during the 3rd ACCA GA. During the parallel sessions at the GA, participants at the ACCA GA were given the choice to attend the session of their preference and make contributions to the Terms of Reference during the session.

5.1 FPIC

The co-chair of the ACCA Steering Committee, Abiodun Baiyewu, led the parallel session on Free, Prior and Informed Consent. Below is a list of people who attended the session, and who wish to serve as members of this workstream.

- Abiodun Baiyewu ;
- Umo Johnson Isua-Ikoh ;
- Maria Matui ;
- Alexis Muhima ;
- Sonda Chele ;
- Stuart Bigirwenkya;
- Wilson Kipkazi;
- Titus Gwemende ;
- Margaret S. Salila ;
- Royce Midzi;
- Raoul Kitungano;
- Michael Addawey;
- Oluwatosin Igbayiloye;
- Paolyel Mp Omemcam;
- Arnold Kwesiga;
- Bashali Mubuya Brigitte;
- Fredy Kasongo;
- Kassoum Coulbaly;
- Wilmien Wicomb;
- Anna Bulman;
- Adetutu Oluwaseyi;
- Philip Molekoa;
- Hannah Owusu-Korateng;

Freddy Kasongo was elected as the coordinator for this Working Group.

5.2 Access to Remedy



The co-chair of the ACCA Steering Committee, Michel Yoboue, led the parallel session on access to remedy. During the session, 8 organisations that volunteered to form part of this Working Group are listed below:

- Maison des Droits de l'Homme du Kivu (DRC);
- Centre for Human Rights;
- Human Rights and Business;
- African Law Foundation;
- Environmental Rights Advocacy and Development;
- Centre for Applied Legal Study;
- International Rivers; and
- ADEV.

5.3 The next steps for the ACCA Working Groups

Now that Working Groups members' comments on the respective Terms of Reference have been received, the co-Chairpersons together with the ACCA Coordinator will finalise the Terms of Reference. Once they have been finalised, a call for proposals for a research consultant will be sent out.

6. What will the ACCA do now?

6.1 Volets de Travail : le CLIP et l'Accès aux Voies de Recours

Once applications for the research consultant have been received, the appropriate research consultants will be appointed to take forward the research component of the respective work streams together with the members of the respective Working Groups. The findings of this research will be transformed into a discussion document to be presented during the next ACCA General Assembly.



ANNEXES

Annex 1: Photos



ACCA SC members group photo





Welcome note by co-Chairperson: Michel Yoboue





Isabelle Mbaye Witness





SC members with Director of the Centre for Human Rights: Professor Frans Viljoen



Annex 2: Attendees list

	Organisation	Name	Country
1	Centre for Applied Legal Studies (CALS)	Bonita Meyersfeld	South Africa
2	Legal Resources Centre (LRC)	Anna Bulman	Australia
3	Business & Human Rights Resource Centre	Joy Magenga	Zimbabwe
4	Coalition for Human Rights in Development	Gretchen Gordon	USA
5	Centre for Human Rights	Josua Loots	South Africa
6	ACCA	Damian Oakes	South Africa
7	Witness	Isabelle Mbaye	France
8	Centre for Applied Legal Studies (CALS)	Nomonde Mbaye	South Africa
9	Legal Resources Centre (LRC)	Wilmien Wicomb	South Africa
10	Global Rights Nigeria	Abiodun Baiyewu	Nigeria
11	Legal and Human Rights Centre (LHRC)	Pasience Mlowe	Tanzania
12	ZELA	Mutuso Dhliwayo	Zimbabwe
13	Public Interest Law Center (PILC)	Delphine Djiraibe	Chad
14	Maison des Mines du Kivu	Eric Kajemba	DRC
15	Maison des Mines du Kivu	Christine Cherubala	DRC
16	Groupe de Recherche et de Plaidoyer sur les Industries Extractives (GRPIE)	Michel Yoboue	Cote d'Ivoire
17	Communities First	Lien De Brouckere	USA
18	ICAR	Amol Mehra	USA
19	ESCR-Net	Dominic Renfray	USA
20	Working Group on Extractive Industries and Human Rights Violations	Sheila Keetharuth	Mauritius
21	International Rivers	Ange Asanzi	DRC
22	SOMO	Ame Marie Trandem	Netherlands
23	International Rivers	Rudo Sanyanga	Zimbabwe
24	Maison des Mines du Kivu	Grégoire Kasadi	DRC
25	BIRUDO	Paolyel MP Onencan	Uganda
26	LUCWADO	Stuart Bigirwenkya	Uganda



27	Uganda Consortium on Corporate Accountability (UCCA)	Arnold Kwesiga	Uganda
28	OEARSE	Kasongo Numbi Freddy	DRC
29	AFRILAW	Okereke Chinwike	Nigeria
30	FENARD	Nelson Nnanna Nwafor	Nigeria
31	Business and Human Rights Tanzania (BHRT)	Flaviana Charles Mayutta	Tanzania
32	Endorois Welfare Council	Benard Ochieng Obara	Kenya
33	Endorois Welfare Council	Wilson Kipsang Kipkazi	Kenya
34	Citizens for Justice	Reinford Mwangonde	Malawi
35	Global Network for Good Governance	Justice Mukete Tahle Itoe	Cameroon
36	Kerio Valley Community Organisation	Kigen Tomkys Kandie	Kenya
37	Peace Point Action	Umo Johnson Isua-Ikoh	Nigeria
38	Justice Pour Tous	Raoul Kitungano	DRC
39	RECODH	Paul Guy Hyomeni	Cameroon
40	OSCMP	Alexis Muhima Shinja	DRC
41	Mozambican League of Human Rights	Sousa Chele	Mozambique
42	Action pour les Droits, l'Environnement et la Vie (ADEV)	Jean-Marie Muanda	DRC
43	La Dynamique OSCAF	Ernest Comlan Pedro	Benin
44	Wassa Association of Communities Affected by Mining (WACAM)	Hannah Owusu-Koranteg	Ghana
45	Green Advocates	Lawrence Hilary Moore	Liberia
46	Lumière Synergie pour le Développement (LSD)	Mahé Faye	Senegal
47	Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO)	Gaston Kamate	DRC
48	OXFAM Zimbabwe	Titus Gwemende	Zimbabwe
49	CORE	Marilyn Croser	UK
50	Dynamique des Femmes des Mines	Brigitte Mubuya Bashali	DRC
51	Women Action Towards Economic Development (WATED)	Maria Matui	Tanzania



52	Southern African Litigation Centre	Brigadier Siachitema	South Africa
53	Centre for Applied Legal Studies (CALS)	Ayabonga Nase	South Africa
54	Centre for Applied Legal Studies (CALS)	Lubabalo Mabhenxa	South Africa
55	Centre for Human Rights	Tarryn Oakes	USA
56	Centre for Human Rights	Adetutu Oluwaseyi	Nigeria
57	Centre for Human Rights	Tapiwa Mamhare	Zimbabwe
58	Centre for Human Rights	Elsabé Boshoff	South Africa
59	Centre for Human Rights	Jared Gekombe	Kenya
60	Centre for Human Rights	Tshepo Cyril Phanyane	South Africa
61	Centre for Human Rights	Patrick Phiri	Malawi
62	Centre for Human Rights	Mulesa Lumina	South Africa
63	Centre for Human Rights	Adiam Zemenfes	Ethiopia
64	Centre for Human Rights	Roger Owiso	Kenya
65	Centre for Human Rights	Cirhuza Koko	DRC
66	Centre for Human Rights	Geoffrey Zulu	Zambia
67	Centre for Human Rights	Betty Enangu	Uganda
68	Centre for Human Rights	Wisel Alban Gouet	Cote d'Ivoire
69	Centre for Human Rights	Teddy Namatovu	Uganda
70	Centre for Human Rights	Vivian Ishengoma	Tanzania
71	Centre for Human Rights	Biau-im Tin	Taipei-Taiwan
72	Human Rights Lawyers Network	Nikiwe Ncube	Zimbabwe
73	Zimbabwe Human Rights Commission	Sindiso Nozitha Nkomo	Zimbabwe
74	International Committee of the Red Cross	Precious Annabel Eriamiatoe	Nigeria
75	International Centre for Transitional Justice	Clara Kasiva Mulli	Kenya
76	Zimbabwe Lawyers for Human Rights	Mangenje Elizabeth	Zimbabwe
77	Centre for Climate Change and Gender Studies	Michael Addaney	Ghana
78	Amnesty International Kenya	Mosenda Robi Chacha	Kenya
79	Center for International and Security Affairs	Lenis Areba Omwoyo	Kenya
80	African Mining Alliance (AMA)	Kassoum Coulibaly	Mali
81	Malawi Human Rights Commission	Harry John Migochi	Malawi



82	South African Human Rights Commission	Margaret Sesi Salila	South Africa
83	Braamfontein, Johannesburg	Phillip Rankune Molekoa	South Africa
84	OHCHR Madagascar	Andriamanantenasa	Madagascar
85	Debrekamos University	Anteneh Geremew Gemed	Ethiopia
86	Zimbabwe Human Rights Commission	Royce Midzi	Zimbabwe
87	African Commission for Human and Peoples' Rights	Solomon Dersso	Ethiopia
88	HRDI	Asha Ramgobin	South Africa
89	SAIFAC	David Bilchitz	South Africa
90	CHR	Danny Bradlow	South Africa
91	UNGC	Achieng Ojwang	
92	LLD	Chairman Okoloise	Nigeria
93	University of Johannesburg	Megna Nkem	Cameroon



Annex 3: ACCA General Assembly Agenda

3rd ACCA General Assembly
6–7 July 2016, Pretoria (South Africa)
Venue: University of Pretoria, Hatfield Campus, SRC Chambers
Pretoria General Assembly Agenda

WEDNESDAY 6 July 2016 - ACCA thematic discussions

Objectives of the 3rd ACCA GA

1. Present and adopt ACCA Norms and Procedures;
2. Present ACCA Strategic and Action Plan;
3. Adopt Terms of Reference and form 2 ACCA Thematic Working Groups on Access to Remedy and Free, Prior and Informed Consent; and
4. Build understanding and relationships among African civil society organisations working to further corporate accountability, in order to foster greater support for each other's work and mutual collaboration.

		Facilitator
08:30 – 09:00	Welcome & Opening remarks	Damian Oakes, ACCA Commissioner Solomon Dersso, African Working Group on Extractive Industries, Environment and Human Rights
09:00 – 10:00	Tour de table (Introductions by participants)	Mutuso Dhiwayo, ZELA
10:00 – 11:15	Presentation by the ACCA Steering Committee	Abiodun Baiyewu, Global Rights Nigeria Michel Yoboue, GRPIE
11:15 – 11:30	Tea	



11:30 – 13:00	Plenary discussion on Free, Prior and Informed Consent (FPIC)	Abiodun Baiyewu, Global Rights Nigeria
13:00 – 14:00	Lunch	
14:00 – 15:30	Plenary discussion on Access to Remedy	Michel Yoboue, GRPIE
15:30 – 15:45	Tea	
15:45 – 17:00	Panel discussion on development finance	Gretchen Gordon Nomonde Nyembe Reinford Mwangonde Delphine Djiraibe Paul Guy Hyomeni
17:30 – 20:30	Cocktail reception Venue: Law Building Foyer, University of Pretoria	

THURSDAY 7 July 2016: ACCA strategy & action plan

		Facilitator
08:30 – 08:45	Opening & recap of previous day	Pasience Mlowe, LHRC
08:45 – 10:00	The use of video in advocacy and mobilisation	Isabelle Mbaye, Witness
10:00 – 10:15	Tea break	
10:15 – 12:00	Parallel Session and formation of Working Groups	Abiodun Baiyewu and Michel Yoboue



- Free, Prior and Informed Consent – the level of implementation in Africa;
- Access to Remedy – what does ‘remedy’ mean in the African context?

12:00 – 12:45	Plenary report back on parallel sessions	<i>Appointed rapporteur</i>
12:45 – 14:00	Lunch	
14:00 - 15:30	Discussion on the proposed Treaty on Business and Human Rights	ESCR-Net Legal Resources Centre
15:30 – 15:45	Tea	
15:45 – 16:45	The way forward for the ACCA	Josua Loots, Centre for Human Rights
16:45 – 17:00	Closing	Eric Kajemba, Maison des Mines du Sud Kivu



Annex 4: Welcome note by co-Chairperson of the ACCA: Michel Yoboue

Member organisations of the ACCA
Staff of the University of Pretoria
Distinguished delegates

It is my honour and pleasure to welcome you to the 3rd General Assembly of the African Coalition for Corporate Accountability (ACCA).

Most of you have travelled from all regions of the African continent, West, Southern, and Central. I am delighted that you have arrived in Pretoria, some of you to participate in the General Assembly and some of you arrived earlier to participate in the advanced short course on business and human rights offered by the Centre for Human Rights, University of Pretoria.

Your participation brings me great joy, and bears testimony to your vested interest in our objective: supporting communities and individuals whose rights are adversely affected daily by the activities of corporations.

Ladies and gentlemen

Allow me to briefly introduce ACCA to you.

The African Coalition for Corporate Accountability (ACCA) was launched in November 2013 with the support of Global Rights. Today, there are more than 80 organisations from 28 African countries. We are a coalition of organisations based in Africa supporting communities and individuals whose rights are adversely affected by the activities of enterprises both national and transnational corporations.

We work on issues ranging from the mining industry and extractives industries, through the accountability of the sector and public and private security, natural resources rights, the acquisition of land, land rights, the right to land, financial regulation policy as well as accountability mechanisms for human and peoples' rights and environmental rights.

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

The vision of the ACCA is to facilitate an alliance which crosses borders and to create a strong and unified African network of civil society organisations and communities.



Distinguished delegates
Ladies and gentlemen

It is my wish that the challenges that will be debated during our general assembly may drive us forward during this 2-day event.

Before I end, I would like to express the gratitude of the Steering Committee to all those who have supported the ACCA and who continue to support the ACCA especially in helping organise this meeting. I would like to make special mention of the Centre for Human Rights at the University of Pretoria, the current host organisation of the ACCA and which welcomes our Coordinator. I would also like to mention Josua Loots from the Centre for Human Rights, Damian Oakes Coordinator of the ACCA, Lien De Brouckere, who I like refer to as the founding mother of the ACCA, Amol Mehra from International Corporate Accountability Roundtable (ICAR) and to all those whose names I may have forgotten to mention here.

I would like to say a special vote of thanks to the participants gathered here for your contribution in the establishment and success of the ACCA.

It is on this note of gratitude and hope that I wish all of you an excellent 3rd ACCA General Assembly.

Thank you.



Annex 5: ACCA annual report of ACCA activities

Welcome

Distinguished ladies and gentlemen, welcome you to the 3rd ACCA general assembly which commenced today and will end tomorrow. We have a long way to go, but we have made significant strides.

You will recall that at our last GA at Addis Abba in 2014, a seven-man steering committee was appointed to provide leadership and a governance structure for this fledgling coalition. We were appointed for 3-year terms, renewable one time. Since our inaugural meeting, we have met every month electronically and one physically. And in the period since then, the Steering Committee has achieved the following:

Appointment of a full-time coordinator

The SC decided that hiring a full time coordinator who would be responsible for the day-to-day running of the ACCA was imperative to help to move the activities of the coalition forward. Our idea was that The Coordinator should maintain the ACCA's independence from any Member organisation's internal organizational pressures, and ideally be housed with a fiscal and administrative sponsor. It was also our intention that the Coordinator should share responsibility for fundraising with the Steering Committee. After a competitive process with over 50 applications, Mr. Damian Oakes was appointed for this position.

Appointment of a host institution for ACCA

You will all recall that at the last general assembly in Addis Ababa, it was decided that in order to ensure the independence of the ACCA and ensure its autonomy, we needed to find a host institution independent of its membership to physically host our Secretariat. As you may know, the University of Pretoria Centre for Human Rights was appointed and has housed ACCA Secretariat since then.

Appointment of ACCA Steering Committee Co-Chairs

In order to ensure administrative ease, the SC elected 2 co-Chairpersons: Mr. Michel Yoboue – (*Groupe de Recherche et de Plaidoyer sur les Industries Extractives*, Cote d'Ivoire) and myself: Ms. Abiodun Baiyewu (Global Rights, Nigeria)

ACCA Work Streams

In February 2016, Steering Committee member held an in-person meeting in Nairobi, Kenya. At this meeting, we deliberated on a strategic working direction for the ACCA for the next two years, at the end of which we narrowed down to 2 substantive work streams. The first: Free, Prior and Informed Consent (FPIC). And we decided that a workstream on 'access to remedies' was equally essential. We hope in the course of this general assembly to present these work streams to you for deliberation.



We have also dedicated attention to finalising important ACCA instruments including the SC Norms and Procedures, ACCA Norms and Procedures (for General membership), and the ACCA Action Plan and Strategy, which will be presented to you tomorrow.

Newsletters:

We have launched the online publication of a quarterly bilingual newsletters in English and French to update members and the ACCA community at large on events taking place on the BHR scene both on the continent and internationally. The newsletters also seek to present the work of the members in the form of articles. To date, three newsletters have been released:

- August 2015;
- December 2015; and
- March 2016.

Meetings/Events:

ACCA membership represented the coalition at many events across the globe. In all we have distinguished ourselves and brought international and regional recognition to the ethos of the coalition. For this we thank you. The Steering Committee and the Coordinator have also represented ACCA at several forums, some of which included:

ICAR Annual Conference in Washington, D.C. - September 2015

The Coordinator represented the organization at the ICAR annual conference at Washington DC in September 2015. The event presented ACCA with the opportunity to promote its presence as the go-to coalition on business and human rights for Africa.

ESCR Meeting - October 2015:

An ACCA side meeting was held on the 25th October 2015 on the fringe of the ESCR-net Peoples' Forum on Business and Human Rights in Nairobi, Kenya. At this side meeting, an ACCA statement reflecting ACCA's thoughts and expectations on the Development of a Treaty on Business and Human Rights drafted, and was published on 30th October 2015

UN Forum in Geneva – November 2015

Again, at the UN Forum on Business and Human Rights, which took place from 16 – 18 November 2015 in Geneva, ACCA members issued an ACCA statement based on the Forum geared at improving African participation at such events.

Alternative Mining Indaba - February 2016

Our coordinator represented the ACCA at the 2016 AMI. Unfortunately, we could not hold a side meeting on the fringes of this meeting.



Hosting of the 3rd ACCA GA 6-7 July 2016

We are pleased to host our inaugural General Assembly since our appointment. We in particular wish to thank ACCA's host institution – the University of Pretoria Centre for Human Rights for graciously accepting to host us on their beautiful campus.

Status of ACCA Membership

From our last GA till date, ACCA membership has grown from 89 organisations from 28 African countries to 114 organisations from 31 African countries comprising of:

Southern Africa:

- Madagascar;
- Malawi;
- Mozambique;
- South Africa;
- Zimbabwe; and
- Zambia.

Central Africa:

- Cameroon;
- Chad;
- Congo, Republic;
- DRC; and
- Equatorial Guinea.

East Africa:

- Burundi;
- Ethiopia;
- Kenya;
- Rwanda;
- Tanzania; and
- Uganda.

West Africa:

- Benin;
- Burkina Faso;
- Cote d'Ivoire;
- Ghana;



- Guinea;
- Liberia;
- Mali;
- Niger;
- Nigeria;
- Senegal;
- Sierra Leone;
- Togo; and
- Mauritania.

Initially, a member organisation would become a member by signing onto the ACCA declaration or through applying for membership on the ACCA's website. Membership to the ACCA is organisation based. However, after this General Assembly, we propose that the organisations will now have to apply for membership via the Coordinator and Steering Committee Members.

It is hoped that organisations present for the GA who are not yet members of the Coalition will join the Coalition. Our Coordinator, Mr. Damian Oakes will be happy to answer questions on membership at the end of today's meeting and you may also speak to any member of the SC about membership application and related issues.

ACCA Financial report

Funding cycle 1 (March 2015 – March 2016)

ACCA applied for and received a grant in the sum of \$100,000 from a donor-advised fund in the United States.

We also received \$25,000 from another donor -the 11th Hour Project for the following funded activities:

#1: Hiring of a Coordinator and equip with adequate secretarial support and skillset for the position.

#2: Communications and Advocacy

#3: ACCA 3rd General Assembly

A large portion of the funds raised is being used to host the 3rd ACCA General Assembly, taking place from 6 – 7 July 2016 at the University of Pretoria, South Africa.



We have again applied for a re-grant from our current donors who have graciously agreed to renew our grant for a total proposed sum of \$180,000 for Secretariat overheads, communications, and the implementation of our proposed work streams.

Conclusion

At this General Assembly we intend to:

1. Present the ACCA Norms and Procedures to you for your kind adoption;
2. Present ACCA Strategic and Action Plan;
3. Build understanding and relationships among African civil society organisations working to further corporate accountability, in order to foster greater support for each other's work and mutual collaboration; and
4. Adopt Terms of Reference and form 2 ACCA Thematic Working Groups on Access to Remedy and Free, Prior and Informed Consent.

We see our proposed work streams as milestones ACCA must fulfil in order to fully establish its presence as a formidable force on the continent. We cannot achieve the deliverables which we will unbundle tomorrow without your input. We therefore invite members of the ACCA to actively participate in the Working Groups that will emerge through this process and pledge their support for achieving its deliverables.



Annex 6: ADOPTED NORMS AND PROCEDURES: ACCA MEMBERS

Article 1: Membership

- 1. Members are responsible for participating in the activities of ACCA, and, at a minimum, should endeavour to attend the Annual General Meeting (AGM);**
- 2. Members are entitled to one vote per organisation, and may exercise that vote directly or through proxy at the Annual General Meeting; and**
- 3. Proxy votes must be communicated to the Coordinator prior to the AGM by written notification.**

1.1 NGOs which have endorsed the ACCA Declaration prior to the 2016 Annual General Meeting (AGM) are considered ACCA Members. The Coordinator may ask these organisations to share the information in 1.4 for record keeping purposes and on a confidential basis.

1.2 The Steering Committee (SC) approves, based on consultation facilitated through email by the Coordinator with the SC membership, membership applications to ACCA.

Applications should be emailed to the Coordinator who will forward the application package to the SC members. The SC will have a maximum time-frame of two weeks to review applications. A majority Steering Committee vote is required for approvals or rejections. After the two-week time frame, the Coordinator will need to communicate the outcome of the application to the organisation.

1.3 Membership criteria for Members applying after the 2016 GA:

- The applicant organisation must be a registered NGO recognised by the government of the country of origin of the NGO (in the case whereby the NGO/ organisation cannot be registered with the government for political or other reasons, the application must be accompanied by a profile of the organisation and a brief explanation of the reason for non-registration); and
- The applicant organisation must be working in line with the mission of ACCA.

1.4 Application for membership to ACCA needs to be accompanied by the following documentation:

- Proof of NGO registration issued by the government of the country (in the case whereby the NGO/organisation cannot be registered with the government, please see Article 1.3 above);
- A copy of the mission statement of the organisation;
- The contact details of 2 persons who will ensure the organisation's commitment;
- A brief description of the current projects and key focus areas of the organisation; and
- A membership application letter accompanied by a statement that the organisation would like to sign on to the ACCA declaration.
- 2 recommendation letters from 2 member organisations.



Article 2: termination of membership

- Members may terminate membership to ACCA at their will. Such termination must be communicated to the coordinator in a timely fashion. Where a concern is raised by a particular member, the coordinator in collaboration with the SC may determine the best way forward.

2.2 The SC by consensus may terminate a member for failing to satisfy any of the above criteria. Such a decision must be validated by a majority vote of the general membership in the subsequent general meeting.



Annex 7: ADOPTED ACCA STEERING COMMITTEE INTERNAL NORMS AND PROCEDURES

Article 1: Election of Steering Committee Membership

Steering Committee (SC) Members are elected to serve in their organisational capacity. Steering Committee Members may nominate one alternate from within their organization to serve in their place. The name of the alternative must be provided to the Coordinator. The alternate may only serve in exceptional circumstances.

Seven Steering Committee members are elected to serve a maximum of 3-ACCA AGMs with the possibility to be re-elected for a second term. Language, gender and regional balance form part of the selection criteria to be elected as an SC Member.

The responsibilities of Steering Committee Members include:

- i. Decision-making: by consensus as much as possible, if not, then by majority vote;
- ii. Admission of new ACCA members: must approve new applications for membership based on criteria for membership;
- iii. Oversee progress of Working Group[s] of ACCA members;
- iv. Develop fundraising strategy / identify possible donors;
- v. Adopt the ACCA annual budget;
- vi. Hire and oversee work of coordinator; and
- vii. Discuss and define the terms of collaboration between the partner organisations and sign future collaboration agreements.

In the event of a SC vacancy, the alternative from the organization will be required to assume this position until the end of the mandate.

Article 2: Duties of the Steering Committee

The SC is the guiding and supervising body for implementing the ACCA Action Plan through the Coordinator. The SC will provide a report back at every General Assembly. The SC shall be chaired by two co-Chairpersons. All the SC members shall work towards implementing the Action Plan and the attaining ACCA's objectives.

Steering Committee Members provide guidance and advice to the Coordinator and the co-Chairpersons and participate in the substantive development and execution of the priorities of ACCA.

Steering Committee Members must be available for conference calls using Skype, cell phones or other means of communication at least one time per one month, not to exceed 12 monthly Steering Committee per year.



The SC will meet in person at least twice per year. One meeting will take place on the margins of the ACCA General Assembly, subject to the availability of funding.

Extra-ordinary SC meeting may also be arranged at the request of the Coordinator, the two co-Chairpersons or the majority of SC members. All meetings are subject to the availability of funding.

A member of the SC, or the Coordinator, may nominate persons who are not members of the SC to participate in SC meetings in an advisory capacity. The persons nominated will need the approval of the majority of SC members. The persons invited to participate in such meetings will be bound by confidentiality (but will not be permitted to participate in the voting process)

Article 3: Appointment of the co-Chairpersons of the Steering Committee

Two co-Chairpersons are elected by the Steering Committee by consensus upon satisfaction of the following conditions:

- a) A majority of the SC members must be present at the time of the vote; and
- b) The decision must be supported by a majority vote of SC members who are present at the time of the vote.

Article 4: Duties of the Co-Chairpersons of the Steering Committee

- i. Spearhead the work of the ACCA Strategic Plan and Action Plan;
- ii. Set achievable deadlines for the realisation of the ACCA Strategic Plan and Action Plan; and
- iii. Work closely and communicate with the Coordinator on the ACCA Strategic Plan and Action Plan.

Article 5: External Representation

In the event where ACCA SC members are present at a public event, they may seek to promote the ACCA provided only as to agreed decision points of the ACCA and with prior notice to the Coordinator.

In the case of public meetings on behalf of ACCA, including those with government officials, the coordinator **may represent** the agreed upon priorities and positions of ACCA. The coordinator may **not seek to represent** individual ACCA members. The coordinator may issue statements and comments on behalf of ACCA, with approval by the Co-Chairpersons and only as to agreed upon priorities and positions of ACCA.

Article 6: Decision-making



SC consensus is needed for approval of new campaigns and discontinuation of existing campaigns. In determining whether a new campaign will be adopted by ACCA, the coordinator will furnish to the SC members with a **proposal**, including:

- The nature of the proposed ACCA activities;
- The groups and stakeholders concerned;
- A proposed timeline;
- Budgetary implications and available funding resources; and
- A final recommendation based on an assessment of the coordinator.

The coordinator will then organise a meeting or Skype conference with the SC to consider the proposal.

SC members will have two (2) weeks to reply to the coordinator with their comments.

In the case of an urgent letter or any form of official communication, SC members will have **one week** to submit their written positions to the coordinator.

In the event that SC members do not respond within the above-mentioned deadlines, the decision may be approved directly by the Co-Chairpersons.

Article 7: Remuneration and reimbursement

SC members and Co-Chairpersons are not remunerated to exercise their duties within ACCA. Reimbursements for reasonable expenses incurred for ACCA SC business are only possible if the following conditions are met:

- 1) Prior authorisation (and confirmation) is obtained from the Coordinator; and
- 2) All receipts/ proofs of payment are obtained and presented to the Coordinator.

Article 8: Fundraising

With respect to new funding proposals in support of campaigns, the coordinator will notify the SC of the funding opportunity and work with the SC in developing the proposal. The SC will be expected to keep the details of funding proposals and the identity of potential funders confidential unless otherwise stated or advised by the Coordinator.

Article 9: ACCA Strategic and Action Plans



The ACCA SC will formulate a strategic plan for the Coalition every five years, to be deliberated and decided on during the General Assembly and in consultation with all ACCA members. The Strategic plan will be accompanied by an Action Plan, to be reviewed and adapted annually during the ACCA General Assembly.

Article 10: Amendments

Any amendments to the above articles must be made with SC consensus and validated by the General Assembly.





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AFRICAN COALITION FOR
CORPORATE ACCOUNTABILITY



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