

AFRICAN COALITION FOR CORPORATE ACCOUNTABILITY (ACCA)

REPORT OF THE 3RD ANNUAL NATIONAL CONFERENCE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
THEME: "Business and Human Rights in Uganda: Accountability V. Social Responsibility for Corporate Abuses."



Fig.1: ACCA representative Ms. Flaviana Charles(Adv) seated in the conference with the executive Director of Global alert-Uganda, Ms. Winnie while other Participants of 3rd annual national conference on economic, social and cultural rights are seated at the back

Introduction

The African Coalition for Corporate Accountability (ACCA) was invited to a 3rd annual national conference on economic, social and cultural rights scheduled to take place on 14th and 15th September, 2016 at Makerere University Main Hall. The Conference was held under the theme; "**Business and Human Rights in Uganda: Accountability V. Social Responsibility for Corporate Abuses.**" ACCA was represented by Ms. Flaviana Charles



(Adv) and Executive Director of an organization called Business and Human Rights Tanzania (BHRT).

About the conference

The Annual Conference on Economic, Social and Cultural Rights was inaugurated in 2014 by a group of organizations comprising of the Initiative for Social and Economic Rights (ISER), the Center for Health, Human Rights and Development (CEHURD), the Human Rights Network-Uganda (HURINET) and the Public Interest Law Clinic (PILAC) of the School of Law, Makerere University. In 2014, the Uganda Human Rights Commission (UHRC) joined the team.

The 3rd Annual National Conference took place on 14th and 15th September 2016 at Makerere University Main Hall. The Conference this year was held under the theme; ***“Business and Human Rights in Uganda: Accountability V. Social Responsibility for Corporate Abuses.”*** The conference organizers invited ACCA to attend the meeting, present and share experiences/knowledge on National Action Plans whereby Ms. Flaviana Charles (Adv) was requested to represent ACCA. Some more submissions or presentations were called to cover the area of:

- ❖ Sustainable development goals and business and human rights
- ❖ Protect, Respect and Remedy in practice: Progress and challenges in implementing corporate responsibility and accountability.
- ❖ Implementation of UN Guiding Principles on Business and Human Rights in decision-making processes.
- ❖ The role of international, regional and national CSOs in promoting business and human rights principles
- ❖ State Obligation to protect against human rights violations by non-state actors.
- ❖ Ensuring free, prior and informed consent in developmental projects as a driver for sustainable development.
- ❖ Health Rights and safety in the workplace.
- ❖ National legal framework on Business and Human rights
- ❖ Case-studies on Business and Human rights, among others indicating best practices or lessons learnt.
- ❖ Judicial decisions with implications on Business and Human rights

Approach of the Conference:

The conference focused on presentations, parallel discussions, panel discussions, listening to the voices of the victims/community members from the extractive areas, video presentations and sharing of experiences from the regions, whereby various experts on Business and Human Rights, mining, oil and gas, land, economic development, health services and alike shared their experience from United Nations,



	<p>Uganda, Kenya, Tanzania and Ghana by presenting their papers and sitting in the panel discussion. The main themes were subdivided into small topic forming the following topics</p> <ul style="list-style-type: none"> ❖ Business and Human Rights and evolving standards at Global level: Obligations of state and non-state actors ❖ The state of corporate Accountability in Uganda: A Report by the Uganda Coalition on Corporate Accountability ❖ Community interlude and voices ❖ Business and Human Rights tool kit; An Audit of Uganda's performance ❖ Introduction to National Action Plans on Business and Human Rights: Instrument of Accountability? ❖ Government and Corporate Obligations beyond the Guiding principle ❖ The Role of international and National CSOs in promoting Business and Human Rights ❖ Public private partnership in Delivery public services: opportunity or threat to Human Rights? ❖ Accessing health services in a commercialised sector ❖ Compulsory Acquisition for Investment or Land grabbing? Land acquisition for Economic Development in Uganda ❖ Business, Human Rights and labour standards in Uganda: The Reality ❖ Public interest Litigation of Business and Human Rights cases: Opportunities and challenges ❖ Understanding the nexus between tax and Investment policies and their implications on Human Rights ❖ Environmental protection, Business and Human Rights standards.
<p>Justification</p>	<p>The following are the justification for ACCA,s decision to attend the conference:</p> <ul style="list-style-type: none"> ❖ <i>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.</i> ❖ <i>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.</i> ❖ <i>ACCA also is a member-based Coalition of organizations based in Africa which supports African communities & individuals whose rights are adversely affected by the activities of both national & transnational corporations.</i> <p>In this respect, ACCA after being invited by its members, had to accept the invitation on the following grounds:</p> <ul style="list-style-type: none"> ❖ To live up to its vision and objectives



	<ul style="list-style-type: none"> ❖ To encourage and support the work of its members in upholding the issues of accountability in Africa
Objectives	<p>The main objective of the conference was:</p> <ul style="list-style-type: none"> ❖ To bring together various stakeholders and share experiences from different parts of Africa and more particular in East Africa. ❖ Come up with a strategy to overcome the challenges and move towards the promotion of Business and Human Rights.
Duration	<p>The 3rd annual national conference on economic, social and cultural rights took place on 14th and 15th September 2016 at Makerere University Main Hall.</p>
Methodology used	<p>Various methods were used to portray the message to the participants and make the conference more involving. These includes:</p> <ul style="list-style-type: none"> ❖ Presentations: Participants participated in various sessions whereby different topics were presented and discussed. ❖ Discussion: After the presentations, participants were given room to ask and discuss some questions through panel presentation, side meetings and recommend for the papers presented . ❖ Voices of the victims: Participants had time to listen the sad stories of the victims of land grabbing and pollution caused by the extractive industries. Some victims came physically and some testified through video presentation by their coordinator. ❖ Parallel sessions: The conference also involved the method of setting a parallel session where participants were given an option of choosing where to go as per their interest.



**Achievement
/Success Story**

The following are some notable achievement or success of the conference:

- ❖ ACCA representative managed to meet with Michael Addo, a Member of the UN Working Group on Business and Human Rights to discuss some issues about ACCA and more particularly on ACCA's participation in the upcoming UN forum. After the discussion the ACCA's representative manage to connect ACCA's coordinator with Michael Addo for more discussion.
- ❖ ACCA managed to make its presence available in a well-attended and one of the biggest conference in East Africa through presentation, panel discussions and experience sharing on NAPs and other areas of Business and Human Rights.
- ❖ The host extended a great appreciation to ACCA for their participation in the conference
- ❖ The presentation by ACCA representative was appreciated by the host, other presenters and participants





Fig. 2; The ACCA representative Ms. Flaviana Charles on panel discussion with other colleagues from Kenya and Uganda





Fig. 3; *Sitting with one of organizers-Ms. Allana (a lady in blue dress) in front and other participants in my right and at the back*

Lesson Learnt

- ❖ The problem of Land grabbing in Africa is growing at a greater stage; the more the investment, the more the land grabbing hence a strong intervention is needed to prevent the situation from getting worse.
- ❖ Most government cannot hold corporate accountable for violations of human rights because they have made themselves powerless
- ❖ While government is trying to protect its members should not forget its citizens or should not do it at the expense of the citizens
- ❖ The concept of free, Prior and Informed consent should be given a top priority
- ❖ It takes a political will for the state to implement the UN Guiding principle
- ❖ It takes a political will to develop a National Action Plan in a any country
- ❖ UNGs applies to all business enterprises regardless to its size; be it local or international.
- ❖ Working groups have prepared several reports and visited various areas to cultivate the environment for the dissemination of UNGP however, the adoption and development of the NAPs had been so gradual.



	<ul style="list-style-type: none"> ❖ Traditional antagonisms between CSOs and business has been exaggerated and hence it has been difficult to work together, this need to change because the two need each other. In short what CSOs does is to tell the business to respect and observe human rights standards while the business want to maximize profit at the expense of violating human rights. ❖ It is noted that, it is possible to do business without violating human rights or to do business while respecting Human Rights ❖ we need to move away from voluntary initiative to strict corporate responsibility (soft law to hard) ❖ Business should struggle to get a social license to operate ❖ More efforts is needed to promote the uptake of UN Guiding principle.
Challenges	<p>Shortage of time: The time arranged for conference and presentations was not enough to cover all the planned objectives properly.</p>
Recommendations/way forward	<ul style="list-style-type: none"> ❖ ACCA should continue to attend and participate in more workshops of its members ❖ ACCA need to ask its members that, if they want to invite them should do that at least one or two months earlier to allow ACCA and its representative to prepare themselves in terms of presentations, time table and other logistical issues ❖ ACCA should partner with its members to condemn bad practices or any grave violations of human rights in stated areas. E.g. Victims of land grubbing and other human rights violations need to be supported by ACCA. ❖ The community living around Extractive Industries should be invited on another workshop so as to share the experience and way forward on improving the Extractive sectors to adhere with human rights in their activities. ❖ There should be a continuous debate on development approaches to the sector that create a win-win situation for governments, private investments and communities ❖ ACCA to invest in learning more/getting more training on Issues of extractives particularly oil and gas.
Conclusion	<p>The conference ended very well. Despite of shortage of time, participants managed to share knowledge and experiences on how to adress issues of human rights in Extractives and mechanisms in which the communities around the Extractives sectors can benefit. This was said to be can only possible if the government in collaboration with other stake holdres (Community, CSOs, etc) will work together in reviewing the National content (laws and policies) on Extractives and other related policies.</p>

