



WORKSHOP ON BUSINESS AND HUMAN RIGHTS: ADDRESSING HUMAN RIGHTS IMPACTS OF BUSINESS IN EASTERN AND SOUTHERN AFRICA

WORKSHOP OVERVIEW

This two-day Workshop on Business and Human Rights in Eastern and Southern Africa will provide a forum for approximately 40 participants to share experiences and learning on addressing adverse impacts on the rights of communities and workers created by business activities, in particular the extractives sector and other land-intensive industries. Participants will discuss the potential of different instruments to prevent adverse business-related human rights impacts and improve access to remedy – looking at global and regional normative developments such as National Action Plans on Business and Human Rights, and the draft State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries, Environment and Human Rights Violations. Participants will include representatives from national human rights institutions (NHRIs) and civil society organisations (CSOs) from Kenya, Tanzania, Uganda, Zambia, Mozambique and South Africa; state representatives from Kenya and Tanzania (since these are the focus countries of the organisers); as well as representatives from the African Commission Working Group on Extractive Industries, Environment and Human Rights Violations, the African Union (AU), and selected experts.

The objectives of the Workshop are to:

- i. Identify opportunities for individual and collective strategic actions to address adverse impacts of the extractives sector and other land-intensive industries on human rights (with attention to vulnerable groups, women, indigenous peoples and children) – aiming both prevention as well as improving access to remedy for victims;
- ii. Provide a platform for participants to share experiences, discuss common challenges and exchange lessons learned when it comes to addressing the adverse impacts of business in Eastern and Southern Africa;
- iii. Discuss the potential of a number of available instruments, including: National Action Plans on Business and Human Rights, and the draft State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries, Environment and Human Rights Violations; and
- iv. Establish and consolidate networks among NHRIs and CSOs working on Business and Human Rights in Eastern and Southern Africa.

REGIONAL CONTEXT

Over the past few years, many Eastern and Southern African countries have seen increased investment in their extractives, agricultural and infrastructure sectors, for example: natural gas exploration in Tanzania's Mtwara region and oil in Kenya's Turkana region. Well-structured extractives projects have the potential to improve countries' economies and lift thousands out of poverty. At the same time, land-intensive projects risk adversely impacting the livelihoods and well-being of neighboring communities, and as such are closely interlinked with access to land and a healthy environment. When these risks materialize, communities



often lack access to remedy for the human rights abuses they experience. Furthermore, land-intensive sectors frequently have an adverse impact on land governance as countries may prioritise land requirements of investors (often foreign) over those of communities, who often do not have recognized legal titles while investors have legal contracts backed by international agreements.

These issues have not gone unnoticed. In February 2009, the African Mining Vision was agreed at the African Union (AU) – a transformative agenda for the continent's extractives sector and addressing the perennial challenge of why the wealth of natural resources has not helped in alleviating poverty in the majority of member states. In the same year, July 2009, the AU summit of heads of states and government adopted a Declaration on Land Issues and Challenges that urges member states to develop land policies that balance the demands on the continent's land sustainably and without marginalizing the land rights of local communities. This subsequently led to the development of the Guiding Principles on Large Scale Land Based Investments in 2014. Both frameworks recognize the human rights impacts of business projects and require that investments balance community rights and the protection of the environment.

In 2017, the African Commission Working Group on Extractive Industries, Environment and Human Rights Violations drafted State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries, Environment and Human Rights Violations. These draft guidelines are intended to help states and non-state actors in the preparation of periodic reports to the African Commission and will include information on state obligations and company responsibilities in complying with the established laws and grievance mechanisms. Discussion of these key regional developments will be a core component of the Workshop.

THE UN GUIDING PRINCIPLES, NATIONAL ACTION PLANS AND ACCESS TO REMEDY

The United Nations Guiding Principles on Business and Human Rights (UNGPs) set out the duties of states and the responsibilities of business enterprises with regard to human rights, and reinforce the importance of remedies for victims of business-related human rights abuses. To promote effective implementation of the UNGPs, the UN Working Group on Business and Human Rights has called on member states to formulate National Action Plans (NAPs) to help states identify gaps as well as priority areas in closing the governance gaps for corporate accountability for human rights. Kenya is the first country on the continent to take up the drafting of a NAP. In Tanzania, the Government has committed to developing a NAP as part of its current Human Rights Action Plan, with the assistance of the Commission for Human Rights and Good Governance (CHRAGG, one of the organisers of this workshop). Often referred to as the 'forgotten pillar' it is increasingly recognized that little progress has been made to date to improve access to remedy for the victims of business-related human rights abuse. Therefore, access to remedy will be a core theme of the Workshop.

VENUE AND DATES: 10-11 APRIL, HOLIDAY INN, DAR ES SALAAM, TANZANIA



DRAFT PROGRAM

Day 1 Tuesday 10 April

Focus on Business and Human Rights frameworks in Eastern and Southern Africa

- Session 1: Business and Human Rights in Eastern and Southern Africa - Introductory Panel
- Session 2: Presentations of lessons learned with Business and Human Rights baseline processes and NAPs development
- Session 3: Panel on business and human rights-relevant frameworks in Eastern and Southern Africa
- Session 4: Workshop session for cross-country exchange on key themes in National Action Plans

Day 2 Wednesday 11 April

Focus on improving Access to Remedy in Eastern and Southern Africa

- Session 1: Introduction to available Access to Remedy mechanisms relevant for BHR in Eastern and Southern Africa
- Session 2: The long-road to remedy: challenges and opportunities for communities to access remedy
- Session 3: Brainstorm on improving access to remedy using existing instruments
- Session 4: Action planning workshop for BHR at country level

EXPECTED OUTCOMES AND OUTPUTS

- i. An increased understanding of the developments in the normative framework on Business and Human Rights in Eastern and Southern Africa, including: National Baseline Assessment and National Action Plan trajectories; the AU draft policy framework on business and human rights; the draft State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries, Environment and Human Rights Violations;
- ii. An increased understanding of the potential of these instruments to prevent and address adverse impacts on the rights of communities and workers created by business activities, in particular the extractives sector and other land-intensive industries and to improve access to remedy;
- iii. Increased networking and action planning among organisations working on BHR in the region, including a regional NAP peer-support group;
- iv. A summary report capturing the discussion, lessons learned and opportunities for individual and collective action.

BACKGROUND AND FUNDING

The Workshop is part of the Project: “Implementing the United Nations Guiding Principles on Business and Human Rights in Sub-Saharan Africa”, executed by SOMO, DIHR, KNCHR, KHRC, CHRAGG and BHRT. This project is funded by the Bureau of Democracy, Human Rights and Labor of the US Department of State. The workshop is co-funded by the SIDA-funded project: “Responsible business for sustainable development - Implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) in the 2030 Agenda”.