



**Working Group on the issue of human rights and transnational corporations
and other business enterprises**

African Regional Forum on Business and Human Rights

16-18 September 2014

United Nations Conference Centre, Addis Ababa (Ethiopia)

Convened by:

***The United Nations Working Group on the issue of human rights and transnational
corporations and other business enterprises***

("UN Working Group on Business and Human Rights")

With the support of the following organizations:

African Union Commission, Department of Political Affairs

United Nations Economic Commission for Africa

Office of the United Nations High Commissioner for Human Rights

Also assisting with the organization of the event:

United Nations Development Programme

United Nations Global Compact

SUMMARY

The United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group on Business and Human Rights)¹ is convening the African Regional Forum on Business and Human Rights, due to be held from 16 to 18 September 2014 in Addis Ababa, Ethiopia, with the financial support of the Government of Denmark. The Forum is organized with the support of the African Union Commission's Department of Political Affairs, the United Nations Economic Commission for Africa (UNECA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The United Nations Development Programme (UNDP) and the United Nations Global Compact are also assisting with the organization of the event.

The Regional Forum will provide a multi-stakeholder regional platform for dialogue on the implementation of the Guiding Principles on Business and Human Rights,² which are the United Nations-endorsed standard for preventing and addressing adverse human rights impacts arising from business activities.

PARTICIPATION

Participants will include representatives from global, regional and domestic businesses, industry associations, Governments, international and regional bodies, trade unions, civil society, national human rights institutions and other stakeholders.

There is no charge for attending the event, but participants are generally expected to cover the costs of their travel and stay in Addis Ababa. There will be English and French interpretation in the main sessions.

AIMS AND OBJECTIVES

The main goal is to promote multi-stakeholder dialogue and cooperation on business and human rights and on the implementation of the Guiding Principles, with a view to:

- Advancing the business and human rights agenda in Africa;
- Identifying key issues in the dissemination and implementation of the UN Guiding Principles on Business and Human Rights, including national action plans and access to effective remedy;
- Identifying regional implementation experiences, challenges and opportunities;
- Identifying opportunities for embedding the Guiding Principles in regional and sub-regional governance frameworks, and exploring the synergies between the Working Group's mandate and the work of regional and sub-regional African institutions and mechanisms;
- Identifying linkages between the business and human rights and the sustainable development agendas from a regional perspective;
- Promoting and supporting capacity-building opportunities on the Guiding Principles for participating stakeholders.

¹ See: www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx.

² Available at: www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

OUTCOMES

The Regional Forum is expected to:

- Create momentum for advancing development of national action plans on business and human rights across the continent.
- Inform the development of an African-specific regional strategy to advance implementation of the United Nations Guiding Principles on Business and Human Rights.
- Identify key business and human rights challenges and opportunities for the region and contribute to finding solutions and ways forward.
- Provide a unique opportunity for multi-stakeholder dialogue and cooperation on business and human rights among relevant actors in Africa.
- Reinforce links between the global and regional business and human rights agendas.

DOCUMENTATION

The key reference documents are the “United Nations Guiding Principles on Business and Human Rights” and the “The Corporate Responsibility to Respect Human Rights: An Interpretive Guide”.³ All stakeholders are invited to submit background documentation that may be posted on the Forum website, including information about relevant initiatives and developments. The UN Working Group will prepare a summary report of the proceedings of the Regional Forum.

SIDE EVENTS AND SPECIAL SESSIONS

Information about side events is available at:

<http://www.ohchr.org/EN/Issues/Business/Forum/Pages/SideEvents.aspx>

LOGISTICS

Please refer to: <http://www.ohchr.org/Documents/Issues/Business/AfricanForum/PracticalInfo.pdf>

REGIONAL FORUM WEB PAGE

<http://www.ohchr.org/EN/Issues/Business/Forum/Pages/AfricaRegionalForum.aspx>

³ Available at: www.ohchr.org/EN/Issues/Business/Forum/Pages/AfricaRegionalForumBackground.aspx

AFRICAN REGIONAL FORUM ON BUSINESS AND HUMAN RIGHTS

AGENDA

Tuesday 16 September (Side events and special sessions)		
(Note: Content of side/special sessions is the responsibility of hosting organizations)		
09:00 – 11:00 Parallel sessions	Introductory training on the UN Guiding Principles on Business and Human Rights: background, key elements and implications Conducted by OHCHR	Room: Africa Hall English-French interpretation
	What to do when project impacts are in dispute. Seeking solutions through participatory monitoring and joint fact-finding with companies, communities, CSOs, and governments Hosted by World Bank Group Compliance Advisor Ombudsman (CAO) and Global Rights (Coordinator of the African Coalition for Corporate Accountability), with support from the UN Global Compact.	Room: CR2 English-French interpretation
Break		
11:30 – 13:00 Parallel sessions	What to do when project impacts are in dispute ... (continued) CAO/Global Rights/Global Compact	Room: CR2
	Human rights and business tools Hosted by UN Global Compact and the Business and Human Rights Resource Centre	Room: Africa Hall
Lunch		
13:30/14:00 – 15:30 Parallel sessions	Note: Starts at 13:30 Fostering implementation of the UN Guiding Principles on Business and Human Rights through regional cooperation: AU-EU seminar on business and human rights	By invitation only Room: CR 6
	Starts at 14:00 Reporting and Assurance Frameworks Initiative (RAFI): African perspectives on how companies should report on their human rights responsibilities Hosted by Shift	Room: Large Briefing Room
Break		
16:00 – 18:00 Parallel sessions	Fostering implementation ... : AU-EU seminar (continued)	By invitation only Room: CR 6
	Reporting and Assurance Frameworks Initiative (RAFI): ... (continued)	Room: Large Briefing Room

Wednesday 17 September (Official sessions) <i>(English-French interpretation in all panels)</i>			
09:00 – 10:00	<i>Plenary 1</i>	<i>Opening:</i> <i>A vision for implementing the UN “Protect, Respect and Remedy” Framework across Africa</i>	<i>Room: CR2</i>
10:00-11:15	<i>Plenary 2</i>	<i>Identifying key business and human rights challenges and opportunities across the continent</i>	<i>Room: CR2</i>
Break			
11:30 – 13:00	<i>Plenary 3</i>	<i>Preventing and addressing adverse human rights impacts in the extractive industries: challenges, opportunities and current practice</i>	<i>Room: CR2</i>
Lunch			
14:00 – 16:00	<i>Parallel session 1A</i>	<i>Multi-stakeholder consultation on enhancing access to judicial remedy for corporate involvement in human rights impacts</i>	<i>Room: CR2</i>
	<i>Parallel session 1B</i>	<i>Integrating the corporate responsibility to respect human rights across African businesses: challenges and opportunities</i>	<i>Room: Africa Hall</i>
Break			
16:15 – 18:00	<i>Parallel session 2A</i>	<i>Non-judicial remedy: experiences and lessons from across the continent on how to ensure access to remedy through operational-level grievance mechanisms</i>	<i>Room: CR2</i>
	<i>Parallel session 2B</i>	<i>An African strategy to advance the business and human rights agenda</i>	<i>Room: Africa Hall</i>

Thursday 18 September (Official sessions) <i>(English-French interpretation in all panels)</i>			
08:30 – 10:00	<i>Parallel session 3A</i>	<i>Business and human rights in conflict contexts</i>	<i>Room: CR2</i>
	<i>Parallel session 3B</i>	<i>Supporting and protecting human rights defenders & the role of national human rights institutions (NHRIs)</i>	<i>Room: Africa Hall</i>
Break			
10:15 – 11:45	<i>Parallel session 4A</i>	<i>Strengthening implementation of the State duty to protect human rights through a national action plan</i>	<i>Room: CR2</i>
	<i>Parallel session 4B</i>	<i>Investment in land: applying a human rights lens</i>	<i>Room: Africa Hall</i>
Break			
12:00 – 13:00	<i>Plenary 4</i>	<i>Closing plenary: The way forward for the African business and human rights agenda</i>	<i>Room: CR2</i>

Thursday 18 September (Side events)

(Note: Content of side/special sessions is the responsibility of hosting organizations)

14:00-18:00 Parallel sessions	<i>Commerce, Crime, and Human Rights - Closing the Prosecution Gaps</i> <i>Hosted by the International Corporate Accountability Roundtable and Amnesty International with support of OHCHR</i>	<i>Room: Africa Hall</i> <i>English-French interpretation</i>
	<i>Community-based human rights impact assessment methodologies</i> <i>Hosted by Oxfam and FIDH</i>	<i>Room: CR2</i> <i>English-French interpretation</i>

CONCEPT NOTE

PLENARY 1: OPENING SESSION (09:00-10:00)

The opening plenary will focus on the objectives of the Regional Forum and the relevance of the UN Guiding Principles and multi-stakeholder dialogue on business and human rights issues in Africa. High-level representatives from the organizations involved in the Forum's preparation and other distinguished speakers will address how best to scale up implementation of the Guiding Principles across the continent, including through national action plans and enhancing access to remedy (two key priorities of the UN Working Group).

Chaired by the Regional Representative of OHCHR (Officer in Charge), Idrissa Kane

Introduction and welcome: Michael K. Addo, Chairperson of the Working Group on Business and Human Rights

Opening statements by:

Aisha Abdullahi, Commissioner for Political Affairs of the African Union

Abdalla Hamdok, Deputy Executive Secretary of UNECA

Ato Getachew Ambaye, Federal Minister of Justice, the Federal Democratic Republic of Ethiopia

PLENARY 2: MULTI-STAKEHOLDER DIALOGUE ON BUSINESS AND HUMAN RIGHTS IN AFRICA (10:00-11:15)

The regional forum has been designed to promote dissemination of the UN Guiding Principles on Business and Human Rights. The Guiding Principles were unanimously endorsed by the UN Human Rights Council in 2011 and 2014, and have been established as an authoritative global standard for preventing and addressing the risk of negative human rights impacts linked to business activity. They outline what States and business enterprises should do in practice to prevent and address impacts and to ensure access to effective remedies for those whose rights have been adversely affected by business activity. In June 2014 the Human Rights Council also decided to initiate an inter-governmental process of elaborating an international legally binding instrument on transnational corporations with respect to human rights. As highlighted by the UN Working Group on Business and Human Rights, which is mandated to promote the dissemination and implementation of the Guiding Principles globally, the new inter-governmental process does not reduce the need for all States to take steps now to implement their duty to protect human rights. Similarly, all business enterprises need to increase efforts to implement the corporate responsibilities to respect human rights. This also implies enhancing access to effective remedy for victims. The Working Group and a range of actors have stressed the urgent need for stepping up action on the Guiding Principles in all regions, including through developing State national action plans and scaling up business commitment to its responsibility to respect human rights.

Plenary 2 will examine key business-related human rights challenges in Africa and discuss the imperative of implementing the three pillars of the UN Guiding Principles – the State duty to protect, the corporate responsibility to respect human rights and the need to enhance access to effective remedy – through regional and local initiatives. It will also focus on the opportunities of adopting a human rights approach to ensure sustainable business activities and the expectations of various stakeholders towards States, business and regional bodies. It will also address the issue of how constructive multi-stakeholder dialogue on business and human rights involving all relevant actors in the region can be encouraged.

Chaired by Margaret Jungk, UN Working Group

Keynote statement: Aliko Dangote, Chairman & CEO, Dangote Group

Multi-stakeholder panel:

Dayina Mayenga, ILO Deputy Regional Director for Africa

Jacqueline Mugo, Secretary General, Business Africa

Mutuso Dhliwayo, Executive Director of the Zimbabwe Environmental Law Association

PLENARY 3: CHALLENGES AND OPPORTUNITIES FOR PREVENTING AND ADDRESSING HUMAN RIGHTS IMPACTS IN THE CONTINENT'S EXTRACTIVE INDUSTRIES (11:30-13:00)

Many African countries have significant wealth of extractable natural resources and the continent continues to be a key source of minerals to the rest of the world. Risks in the extractive sector of adverse impacts on the environment, workers and local communities have received increasing attention across the world over the last two decades, including on the African continent, as investment in the sector has been on the rise. The UN Guiding Principles are of fundamental relevance to the extractive sector as an agreed framework for managing the risks of adverse impacts on the human rights of affected stakeholders, which in turn also have a bearing on sustainability of investments and sustainable development. They clarify the kinds of policies (commitment to respect human rights) and processes (human rights due diligence and remediation) that all companies including those in the extractive sector need to put in place to prevent and address the negative impacts on human rights. This is now increasingly understood, including by responsible companies in the sector itself. Moreover, they highlight the importance of the role of the State and the need for providing and enforcing an adequate regulatory framework for protecting against adverse human rights impacts. At the regional level, the African Mining Vision, a continental framework for transformation of the mining sector in Africa, which references the Guiding Principles, clearly articulates the need for a well governed mining sector that is inclusive and appropriated by communities and other stakeholders. The Guiding Principles also prescribe integration of human rights considerations at the negotiation stage of investment contracts, an expectation that has been elaborated in a set of "Principles for responsible contracts" (UN Document A/17/31/Add.3).

Plenary 3 will identify innovations in corporate practice, public policy and civil society advocacy to address key human rights issues in the extractive sector across Africa. It will present lessons learned from current initiatives, and discuss how effective implementation of the Guiding Principles can contribute to a rights-respecting environment and investments that are socially sustainable.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Valerio Bosco, Economic Affairs Officer in the Mineral Sector Governance Team, Africa Minerals Development Centre, UNECA

Sheila Keetharuth, member of Working Group on Extractive Industries, Environment and Human Rights Violations, Africa Commission for People's' and Human Rights

Gifty A.M.Biyira, Director (Adm), Ministry of Lands and Natural Resources, Ghana

Delphine Djiraibe, Senior human rights lawyer and chief attorney at the Public Interest Law Center (Chad)

Israel Chokuwenga, Principal Advisor Global Communities and Social Performance, Rio Tinto (South Africa)

Rose Kimotho, Institute for Human Rights and Business/Nairobi Initiative (Multi-stakeholder initiative on business and human rights for the oil and gas sector)

PARALLEL 1A: MULTI-STAKEHOLDER CONSULTATION ON ENHANCING ACCESS TO JUDICIAL REMEDY FOR CORPORATE INVOLVEMENT IN HUMAN RIGHTS IMPACTS (14:00-16:00)

Following its mandate from the UN Human Rights Council (resolution 17/4), the UN Working Group has emphasized the need to enhance access to effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas. It shares the concern expressed by many, especially by civil society, with the persistence of barriers for victims in having access to effective remedy and considers that tackling obstacles to judicial remedy should be an urgent priority in all regions. The Working Group has identified national action plans as a key vehicle to advance implementation of the Guiding Principles, and has also stressed that action points aimed at enhancing access to effective judicial remedy must be an essential element of any such plan or framework. Moreover, in June 2014, the Human Rights Council (resolution 26/22) requested the UN High Commissioner for Human Rights to “continue the work to facilitate the sharing and exploration of the full range of legal options and practical measures to improve access to remedy for victims of business-related human rights abuses, in collaboration with the Working Group, and to organize consultations with experts, States and other relevant stakeholders to facilitate mutual understanding and greater consensus among different views.”

As part of this global consultative process, parallel session 1A will feature a multi-stakeholder discussion on the key issues and views on solutions in the African context. Key questions for discussion:

1. How difficult is it for victims to seek judicial remedies for human rights abuses at domestic level? What challenges do States face in providing access to justice in cases of business involvement in gross abuses? Are there capacity building activities that could help in this regard?
2. What proportion of allegations against businesses presently results in legal enforcement? In cases where no action is taken, what are the reasons for this?
3. Is there sufficient clarity in domestic law on the legal liability of business enterprises for abuses carried out by third parties with whom they are linked or have some sort of relationship (e.g. the military, police, paramilitary organizations and private security contractors)?
4. What should be the role of “home States” of multinational corporations to prevent and address business involvement in human rights abuses committed abroad? What is the appropriate balance between (a) the responsibilities of home States and (b) the principles of sovereignty and non-interference in the domestic affairs of other States?

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Michael K. Addo, UN Working Group

Lene Wendland, Business and Human Rights Adviser, Office of the UN High Commissioner for Human Rights

Dickay Kunda, Kilwa (DRC)

Lauretta Lamptey, Commissioner on Human Rights and Administrative Justice, Ghana; Chairperson of the Network of African National Human Rights Institutions

Angela Mudukuti, Southern Africa Litigation Centre

Emmanuel Umpula Nkumba, African Resources Watch

Weru Macharia, International Organisation of Employers Kenya

PARALLEL 1B: INTEGRATING THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS IN AFRICAN BUSINESS – CHALLENGES AND OPPORTUNITIES (14:00-16:00)

Parallel panel 1B is focused on the second pillar of the UN Guiding Principles (the corporate responsibility to respect human rights). It will involve speakers from business and other groups and will examine key challenges and opportunities in implementing the corporate responsibility to respect human rights in the operations of African-based business enterprises. The panel will identify emerging good practices and innovations by business to address local human rights issues and concerns. It will examine the level of interaction between business and States and civil society to prevent and resolve adverse human rights impacts and the potential for multi-stakeholder dialogue and cooperation. It will also focus on identifying specific capacity-building needs and challenges facing the situation of small and medium-sized enterprises (SMEs) and the informal economy. In addition, the session will draw on lessons from other regions, including from sector-specific approaches.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Puvan Selvanathan, UN Working Group

Manafa Shaffi Masai, Uganda Global Compact Network

Alan Fine, Communications Executive, Russell & Associates (South Africa)

Anthony Baah, Deputy Secretary-General, International Trade Union Confederation (ITUC-Africa)

Joseph Kibugu, Business and Human Rights Resource Centre

Sophie Mueller, Policy Officer, Corporate Social Responsibility, European Commission (presenting sector guides on implementation of the corporate responsibility to respect)

PARALLEL 2A: ACCESS TO NON-JUDICIAL REMEDY: EXPERIENCES AND LESSONS FROM THE CONTINENT IN ENSURING ACCESS TO REMEDY FOR AFFECTED STAKEHOLDERS THROUGH OPERATIONAL-LEVEL GRIEVANCE MECHANISMS (16:15-18:00)

The UN Guiding Principles recognize that both State and business have roles to play to ensure access to effective non-judicial grievance mechanisms as a complement to judicial mechanisms. They specifically set out that business enterprises should establish or participate in effective operational-level grievance mechanisms for affected individuals and communities in order to make it possible for grievances to be addressed early and remediated directly. At the same time the Guiding Principles stress that such mechanisms should not be used to undermine the role of legitimate trade unions, nor to preclude access to judicial or other non-judicial grievance mechanisms.

Parallel session 2A will examine lessons and experiences of operational-level grievance mechanisms across African business operations and reflect on the challenges and opportunities in aligning current practice with the criteria set out in the UN Guiding Principles to ensure effective remedy outcomes. A key focus will be on how to apply principles for operational-level mechanisms in practice. Questions to be addressed by the panel include reflections on what constitutes effective or “fair” non-judicial remedy outcomes; in view of the Working Group’s current focus on national action plans, what can public policy do to strengthen alternative dispute resolution and non-judicial grievance mechanisms as well as effective operational-level grievance mechanisms, particularly in the context of large-scale operations; and how to further strengthen grievance mechanisms of international financial institutions.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Brian Ganson, Africa Center for Dispute Settlement at the University of Cape Town

Purvi Shah, Social Performance Managers, De Beers Group

Scott Adams, Specialist Ombudsman, Office of the Compliance Advisor Ombudsman (CAO) for IFC and MIGA, World Bank Group

Sylvia Kithinji, Kenya Human Rights Commission (NGO)

Franck Loufoua-Bessi, Program Manager, Rencontre pour la Paix et les Droits de l’Homme – RPDH

Austin Onuoha, Founder, The Africa Centre for Corporate Responsibility

PARALLEL 2B: AN AFRICAN STRATEGY FOR ADVANCING THE BUSINESS AND HUMAN RIGHTS AGENDA (16:15-18:00)

Parallel session 2B will focus on business and human rights-related work and initiatives by African regional bodies, financial institutions and sub-regional organizations. It will consider options for developing an African strategy on business and human rights through leadership at the regional level. The session is expected to offer reflections and ideas for regional actors on how to promote effective implementation of the UN Guiding Principles by States and business enterprises across the continent, including through promoting national action plans and an appropriate follow-up mechanism embedded in African frameworks. The session will also draw on lessons from other regions.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Mamadou Dia, Acting Director, Department of Political Affairs, African Union Commission

Takyiwaa Manuh, Director of Social Policy, UNECA

Gilbert Sebihogo, Executive Director, Network of African National Human Rights Institutions

Wilmien Wicomb, Attorney, Constitutional Litigation Unit of the Legal Resources Centre (South Africa)

PARALLEL 3A: BUSINESS AND HUMAN RIGHTS IN CONFLICT CONTEXTS (08:30-10:00)

As highlighted by the Guiding Principles, the risk of business involvement in human rights abuses is particularly acute in conflict-affected contexts. Also in post-conflict and reconstruction environments, the human rights regime normally cannot be expected to function as intended, which require heightened due diligence to prevent and address adverse human rights impacts. The Guiding Principles provide specific recommendations for conflict-affected contexts and offer a blueprint for States and business enterprises to better manage and mitigate impacts. Notably, the Guiding Principles set out that States should help ensure that business enterprises operating in those contexts are not involved in such abuses through a range of policy, legislative, regulatory and enforcement measures. Business enterprises are on their side expected to exercise heightened due diligence in such contexts. Exploring the full range of options for ensuring access to remedy in such environments, including through collaborative approaches, also requires further attention.

Parallel session 3A will examine the challenges and good practices related to implementation of the Guiding Principles in conflict-affected areas in Africa. It will include a discussion on ways to strengthen preventative measures and implementation of the State duty to protect human rights and ensure security, including by looking at lessons from relevant initiatives to regulate the operations of private military and security companies and to address corporate complicity through supply chain approaches. The session also provides an opportunity for sharing experiences and exploring the role of the Guiding Principles in the context of national action plans (for countries where the conflict dimension is of relevance) and regional and sub-regional strategies.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Salah Hammad, Senior Human Rights Expert, Department of Political Affairs, African Union Commission

Nokukhanya (Khanya) Mncwabe, Anglophone Southern & Western Africa Researcher & Representative, Business and Human Rights Resource Centre

Audrey Olivier-Muralt, Geneva Centre for Democratic Control of Armed Forces

Raphael Rene Yoho Fils, Human Rights Officer, MONUSCO

Paul Kapelus, Director, Synergy (South Africa)

PARALLEL 3B: SUPPORTING AND PROTECTING HUMAN RIGHTS DEFENDERS & THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (08:30-10:00)

The Guiding Principles affirm the duty of States to protect human rights against abuses by business enterprises, and the responsibility of business to respect human rights. The rights to freedom of expression and association form part of the Universal Declaration of Human Rights and have been affirmed through numerous human rights instruments. The Declaration on Human Rights Defenders affirms that everyone has the right to defend his/her rights or those of other people. Yet stakeholders who speak out publicly about adverse human rights impacts linked to business operations often face harassment and serious risks to their lives and personal integrity. At the same time, advocates of human rights who engage directly with businesses face, in some contexts, threats and stigmatization by activist sectors who oppose direct engagement with businesses. A number of reports by the UN system, civil society organizations and others highlight that the situation is especially challenging for human rights defenders addressing adverse impacts of both private and public development projects. Those representing affected stakeholders, as well as journalists, lawyers, civil society representatives and community leaders themselves often find themselves at risk. The UN Working Group has highlighted the responsibility of States to protect human rights defenders working on corporate accountability issues, and the need for appropriate consultation with human rights defenders by businesses, including when conducting human rights impact assessments. The UN Guiding Principles put these questions squarely on the agenda of States and business. At the same time the contribution of national human rights institutions (NHRIs) to the business and human rights arena has grown significantly in the recent years. The 2011 UN Human Rights Council Resolution 17/4 that unanimously endorsed the Guiding Principles, welcomed the important role of NHRIs established in accordance with the Paris Principles, and the Guiding Principles themselves recognize the roles of NHRIs across the three pillars of the UN “Protect, Respect, Remedy” Framework. At the regional level, the Network of African National Human Rights Institutions in 2011 adopted the Recommendations on the Plan of Action on Business and Human Rights, which provides a framework for African NHRIs to promote implementation of the Guiding Principles. Local stakeholders have also highlighted the potential key role of NHRIs in promoting support and protection of human rights defenders.

Parallel session 3B will address how the UN Guiding Principles can help clarify the respective duties and responsibilities of States and business and corresponding actions to address challenges faced by those defending human rights. A key focus of the panel will be the role that national human rights institutions can play. It will examine the following questions:

- What are the risks that human rights defenders in the region face in association with their work to promote corporate responsibility and accountability?
- How can NHRIs support States and business in creating an environment that supports and protects human rights defenders in the context of business operations? What good practice examples can be identified?

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Ahowanu Agbessi, Regional Representative, Central Africa Regional Office of OHCHR

Margaret Sekaggya, former UN Special Rapporteur on the situation of human rights defenders (2008-2014)

Lindiwe Mokate, Commissioner, South African Human Rights Commission

James Mwenda, Senior Human Rights Officer, Kenya National Commission on Human Rights

PARALLEL 4A: STRENGTHENING IMPLEMENTATION OF THE STATE DUTY TO PROTECT THROUGH THE DEVELOPMENT OF NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS (10:15-11:45)

The Working Group considers that national action plans are a practical and powerful vehicle for States to effectively implement the Guiding Principles, and a recent resolution by the UN Human Rights Council (resolution 26/L.1) “recognizes that the effective implementation of the Guiding Principles should cover a broad range of public policy areas, and encourages all States to take steps to implement the Guiding Principles, including to develop a national action plan or other such framework”.

While recognizing that implementation can take many forms and that there is no one-size-fits-all approach, the Working Group believes that a national action plan can ensure:

- Greater coordination and coherence within Government on the range of public policy areas that relate to business and human rights;
- An inclusive process to identify national priorities and concrete policy and regulatory options related to business and human rights issues;
- Transparency and predictability for all stakeholders on the direction of the Government’s implementation efforts;
- A flexible, yet common format that enables international cooperation, coordination and exchanges of good practices and lessons learned; and
- A platform for ongoing multi-stakeholder dialogue, including in the review and follow-up process, as developing a national action plan should not be a one-off exercise.

The baseline for all national action plans is the Guiding Principles themselves. They clarify the overall legal and policy implications of the State duty to protect human rights, the corporate responsibility to respect human rights, and the need for access to remedy for victims of business-related human rights abuse. With regard to the process of elaborating national action plans, the Working Group recommends that all plans should be developed through an inclusive human rights-based process. Stakeholders and early adopters have noted that the process to develop a national action plan is as important as its content. The Working Group is currently preparing guidance for States on the process and substantive elements of a national action plan.

The Working Group is encouraging participants to promote the development of a national action plan in their country. Parallel session 4A will consider the value of national action plans on business and human rights and it will examine essential elements that may be particularly relevant to African States, including issues related to trade and investment, large-scale development projects, gender, youth employment, right to health, and access to remedy. The session will aim to spur African regional bodies, including the AU, to effectively support wide and concerted movement on action plans across the continent.

Multi-stakeholder panel followed by interactive dialogue with the audience

Chaired by Michael K. Addo, Chairperson of the the UN Working Group on Business and Human Rights

Albachir Macassar, National Director for Human Rights and Citizenship, Ministry of Justice Mozambique

Nabila Tbeur, Executive Director, Morocco National Human Rights Commission

Sara Blackwell, International Corporate Accountability Roundtable

Bonita Meyersfeld, Centre for Applied Legal Studies (South Africa)

Tadele Yimer, President, Ethiopian Employers’ Federation

PARALLEL SESSION 4B: INVESTMENT IN LAND AND HUMAN RIGHTS (10:15-11:45)

Parallel session 4B will explore challenges and opportunities in implementing the Guiding Principles in land-related investments and business activities. It will focus on agribusiness and large-scale land investments. Panelists will also consider how sustainable development initiatives and business practices can help to prevent and mitigate adverse human rights impacts. The session will address the key human rights impacts in the area of agribusiness and large-scale land investments. It will also address opportunities presented by the human rights approach and implementation of the Guiding Principles, including through the integration of human rights considerations at the negotiation stage of State-investor contracts, which is implied in the Guiding Principles and elaborated in a set of “Principles for responsible contracts” (UN Document A/17/31/Add.3). The session will also clarify what effective implementation of the State duty to protect and the corporate responsibility to respect human rights means in the context of land investment, by identifying innovations in corporate practice, public policy and civil society advocacy to address local issues. One important reference for this session is the “Principles for Responsible Investment in Agriculture and Food Systems” (RAI Principles), a final draft of which was finalized in August 2014 for endorsement of the Committee on World Food Security at its 41st session from 13 to 18 October 2014. The final draft of the RAI Principles underlines how “[r]esponsible investment in agriculture and food systems requires respecting, protecting, and promoting human rights ...”, and highlights the Guiding Principles on Business and Human Rights as one of the documents that provide the foundation for responsible investment in agriculture and food systems.

Multi-stakeholder panel followed by interaction with the audience

Chaired by Belay Demissie, Economic Affairs Officer- Regional land expert, UNECA, Land Policy Initiative

Marc Wegerif Oxfam Tanzania

Nadiyah Hanim Abdul Latif, Head, Corporate Affairs, Group Communication & Corporate Affairs, Sime Darby Berhad

Pregs Govender, Deputy Chairperson, South African Human Rights Commission

Maria Alice Mabota, President, LDH (Mozambique)

Odette Geldenhuys, Senior Associate, Webber Wentzel

PLENARY 4: CLOSING PLENARY (12:00-13:00)

This closing plenary will seek to join the dots of the preceding discussions and take stock of current trends relating to corporate accountability and the need for States and businesses to scale up implementation of the Guiding Principles. It will identify key opportunities and priorities for the African region for the way ahead, including through a possible African strategy for business and human rights and development of national action plans to implement the Guiding Principles. Speakers will offer perspectives on further options for States, regional bodies, business, civil society and other actors to shape corporate conduct in the region.

Chaired by UN Resident Coordinator, Eugene Owusu

Closing remarks by

Kebour Ghenna, Executive Director of the Pan Africa Chamber of Commerce and Industry

Tutu Alicante, Executive Director, EG Justice

Mamadou Dia, Acting Director, Department of Political Affairs, African Union Commission

Michael K. Addo, Chairperson of the Working Group on Business and Human Rights