

COMMUNIQUÉ FROM THE DEVELOPMENT AND INVESTMENT IN AFRICA WORKSHOP

12-13 NOVEMBER 2017

PRETORIA, SOUTH AFRICA

This is a communiqué reflecting the outcomes of the Development and Investment in Africa Workshop held on 12-13 November 2017 in Pretoria, South Africa, and organized by the Coalition for Human Rights in Development together with African Coalition for Corporate Accountability (ACCA).

The event involved 43 participants from over 30 civil society groups from 14 countries in Africa and beyond. It entailed two days of skill-sharing, strategy development, and advocacy to help shape development investments in the region to ensure greater social and environmental sustainability and accountability to frontline communities, including a dialogue with development officials from several international financial institutions and agencies.

THE PARTICIPANTS:

OBSERVED that around the world, governments, development banks, export credit agencies, institutional investors, and private companies have their sights on Africa. The dominant narrative fueling these investments is that Africa faces a massive gap in public financing for development needs that must be met by private sector investments.

NOTED that while the development needs in many African countries are indeed significant, the human rights and environmental challenges are also great. These needs can only be met if public and private sector investors, African governments, and development institutions meaningfully engage with African communities and civil society groups to identify development priorities, jointly craft and implement development strategies, and monitor and safeguard against adverse social and environmental impacts.

CONCERNED that increasing private financial flows without consideration for the enabling environment for meaningful public participation and social and environmental management can actually undermine development goals and result in serious adverse human rights impacts.

OBSERVED that communities are the cornerstone of sustainable development and safeguarding the right of communities to participate in and benefit from development is enshrined in Article 22 of the African Charter on Human and Peoples' Rights.

OBSERVED that the African Union's Agenda 2063 lays out important goals for development on the continent, including inclusive growth, respect for human rights, and people-driven development. It remains to be seen, however, whether these goals will be reflected in national development plans, and regional and global initiatives and investments.

RECOGNIZED that myriad Africa investment initiatives including the Programme for Infrastructure Development in Africa, the African Development Bank's "High 5" Agenda, the Power Africa initiative, and the G20 Compact with Africa are pressing for more investments and megaprojects.

CONCERNED that many of these initiatives are centered on creating an enabling environment for private investors - including far-reaching regulatory reforms, weakening labor and environmental laws, land and tax laws, privileging private investors over the public interest.

CONCERNED that while these investment decisions in Africa pose profound implications for people's lives and for national and regional development, African civil society, indigenous peoples, and frontline communities have not been allowed access to information or a seat at the table.

THEREFORE, THE PARTICIPANTS RECOMMEND THE FOLLOWING WITH REGARD TO AFRICAN GOVERNMENTS AND DEVELOPMENT FINANCIERS AND INVESTORS:

- African governments and the Development Financiers should respect the rights of communities, and especially marginalized groups, to determine their own development paths and priorities, and to benefit from development initiatives -- development should be community-led.
- African governments and the Development Financiers must adopt a rights-based, gender sensitive approach and safeguards to ensure that human rights of communities and civil society groups are respected and protected. They should be held accountable in case of human rights violations or adverse impacts against the communities.
- African governments and the Development Financiers should advance development and infrastructure that supports social welfare, domestic industries, small businesses and smallholder farmers, not the failed development model of only extraction and export.
- The African Development Bank, other fellow development banks, and export credit agencies doing business in Africa need to be more transparent, provide full access to information and space for meaningful participation by African civil society, including making country offices and policy and project decision making open and accessible to civil society.
- The African Development Bank should refrain from investing in dirty energy projects such as coal-fired power plants, and review its energy policy to meet this commitment.
- The Chinese Financial Institutions, New Development Bank and other Development Financiers in Africa should additionally be more transparent and develop effective accountability mechanisms to guide their development financing in Africa.
- The shifting of development decision making from governments to corporations and the weakening of standards to facilitate private investment by initiatives like the G20 Compact with Africa is concerning. African countries should strengthen their domestic policy and legal frameworks and judiciary systems to ensure development respects human rights and there is adequate accountability and access to remedy in case of adverse impacts.
- Bribery and corruption is a big threat which undermines effective implementation of most projects; and should be tackled by the Development Financiers and African governments.

- Countries' financial, economic, social and environmental sustainability have to be put ahead of the interest of private investors. The World Bank should review its Guidance on Public Private Partnerships (PPP) Contractual Provisions thoroughly and remove all suggestions that countries can offer provisions that seriously disadvantage them for the sole purpose of enabling private sector investments. This simply allows Development Financiers to meet their stated goal of increased private finance mobilization without maximizing finance that benefits development.

THE PARTICIPANTS RECOMMEND THE FOLLOWING WITH RESPECT TO CIVIL SOCIETY:

- Civil society should push for community-led development, engaging with communities proactively, strengthening local organization and capacity for community-led development.
- Civil society should ensure that community voices and participation are included during advocacy, negotiation and engagement with the Development Financiers.
- Civil society groups should partner and collaborate among themselves and share technical skills and knowledge to build capacity for advocacy efforts and engagement with Development Financiers and national governments.
- Civil society groups should adopt broad-based approaches in advocacy and engagement with Development Financiers and African governments by engaging other stakeholders and interest groups nationally.
- Civil society should make greater use of advocacy and communications campaigns to pressure for compliance as well as remedy and accountability in case of any violation or adverse project impacts.

The workshop organizing team included: African Coalition for Corporate Accountability and the Coalition for Human Rights in Development, with Accountability Counsel, Both ENDS, Centre for Applied Legal Studies, Economic and Social Rights Centre – Hakijamii, Friends of the Earth – US, International Accountability Project, Heinrich Böll Foundation, International Rivers, Jamaa Resources Initiative, Lumière Synergie pour le Développement, Public Interest Law Center, and the Zimbabwe Environmental Law Association.

Workshop participants included: AFREWATCH, Africa Development Interchange Network, African Forum and Network on Debt and Development, African Law Foundation (AFRILAW), Africa Network for Environment and Economic Justice (ANEEJ), Buliisa Initiative for Rural Development Organisation, Centre for Human Rights, Green Advocates, Kenya Land Alliance, l'Observatoire de la Société Civile Congolaise pour les Minerais de Paix / OSCMP-RDC, Le Centre du Commerce International pour le Développement, Legal Resources Centre, Minority Rights Group, Save Lamu, Sengwer Indigenous Peoples Programme, South Africa Institute for International Affairs, University of Johannesburg, and Women Action Towards Economic Development.