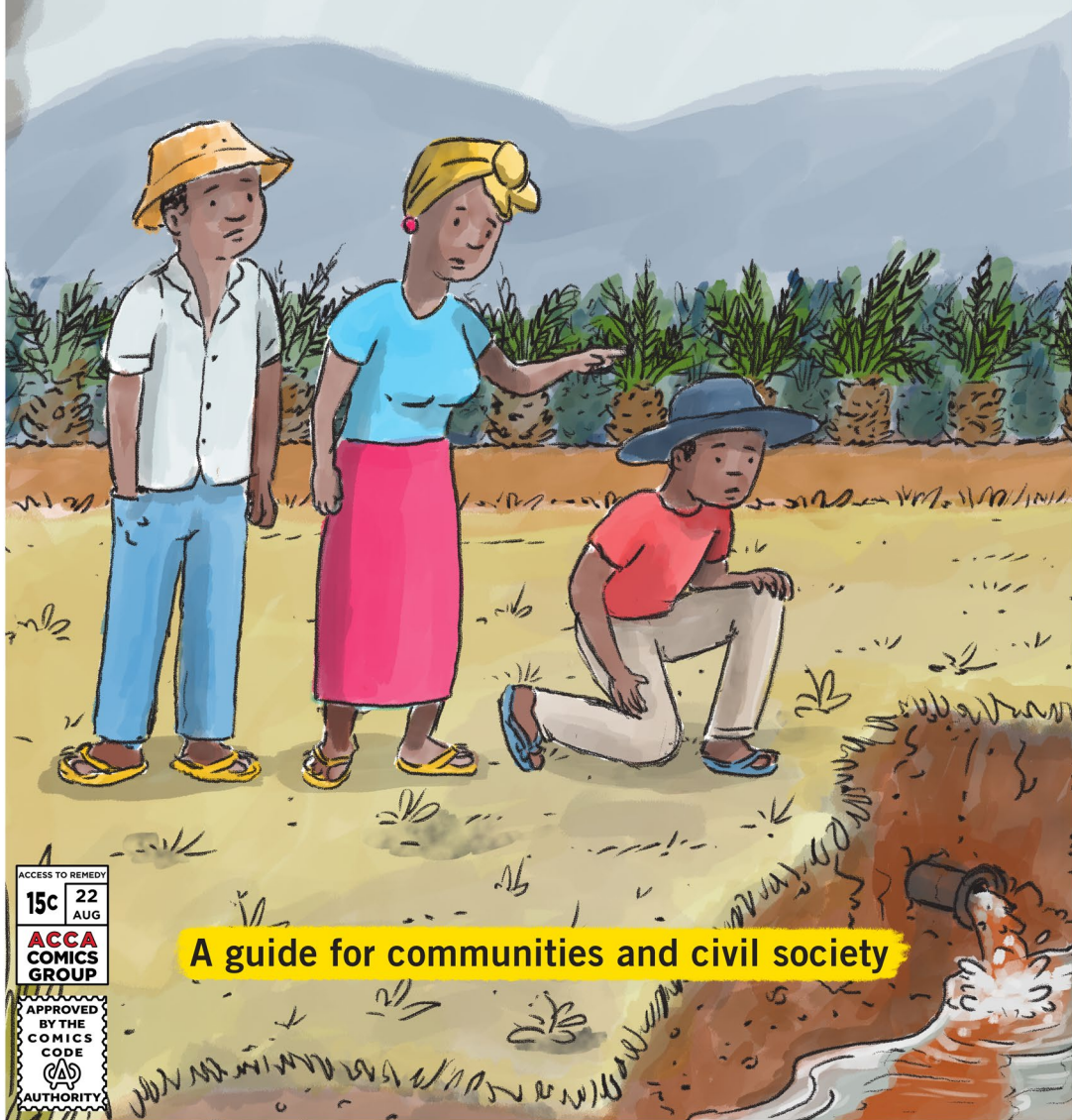




ACCA

AFRICAN COALITION FOR
CORPORATE ACCOUNTABILITY

ACCESS TO REMEDY IN AFRICA



ACCESS TO REMEDY

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**ACCA
COMICS
GROUP**

APPROVED
BY THE
COMICS
CODE



AUTHORITY

A guide for communities and civil society

Foreword

The issue of access to remedy remains a major challenge to the full realisation of human rights on the African continent. The right to access an effective remedy is a core component of key business and human rights instruments like the UN Guiding Principles on Business and Human Rights and the draft legally binding instrument on business and human rights. Despite corporations continuously violating human rights across the continent, this right is too often unrealised and challenging to implement. This could be due to several factors including insufficient local judicial structures to secure remedies or the complexity of corporate organisational structures that make it difficult to hold corporate actors accountable for human rights violations perpetrated by the organisation.

Ensuring that host communities around the world have access to effective remedy for human rights violations caused by corporations is at the core of ACCA and Accountability Counsel's work. The severity of the issue of access to remedy in the fight towards corporate accountability is partly what inspired ACCA and AC's report on access to remedy in Africa. This report in turn motivated the creation of this comic book.

Following the success of ACCA's comic book on Free Prior and Informed Consent, ACCA has been working with stakeholders and members on issues of access to remedy for the past several years to create a resource on access to remedy that can be readily used by community members and civil society affected by corporate activity. The aim of this comic book is to demystify some crucial elements of the access to remedy report and attempt to inform communities of their rights and avenues to enforcement in this regard, in an uncomplicated and informative way. The comic also aims to represent real world scenarios that are experienced by community members on the continent and that they can relate to in a real sense.

Our hope is that this resource will be of value to communities, civil society, and other stakeholders and that it will assist persons affected by the negative impacts of corporate activity in implementing and enforcing the right of access to remedy and reparation.

We would like to thank our partners at Accountability Counsel for agreeing to partner with us for this project and for their kind assistance in the creation of this comic book. Their inputs throughout the process were vital to the successful conclusion of this project.

Dr Yolandi Meyer

Project manager: ACCA

A COMMUNITY IS RICH AND COMPLEX.



IT'S CHILDREN PLAYING... LEARNING. PARENTS TEACHING... PROTECTING. ELDERS GUIDING. BUT IT IS ALSO SO MUCH MORE. IT'S ABOUT HISTORY, ANCESTRY AND LEGACY.



"YOU KNOW WHAT...
I LOVE LIVING HERE.
OUR ROOTS GO DEEP!"



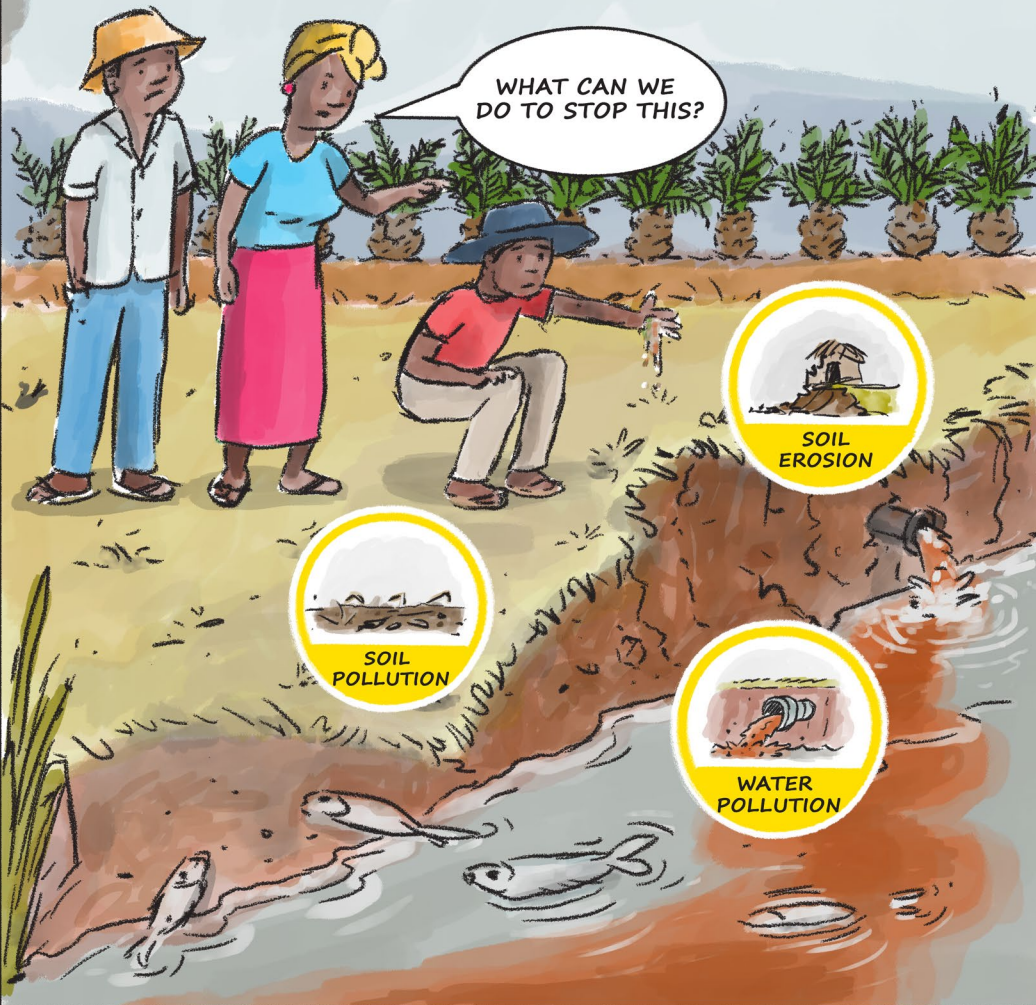
ARE YOU SAYING I'M A TREE?

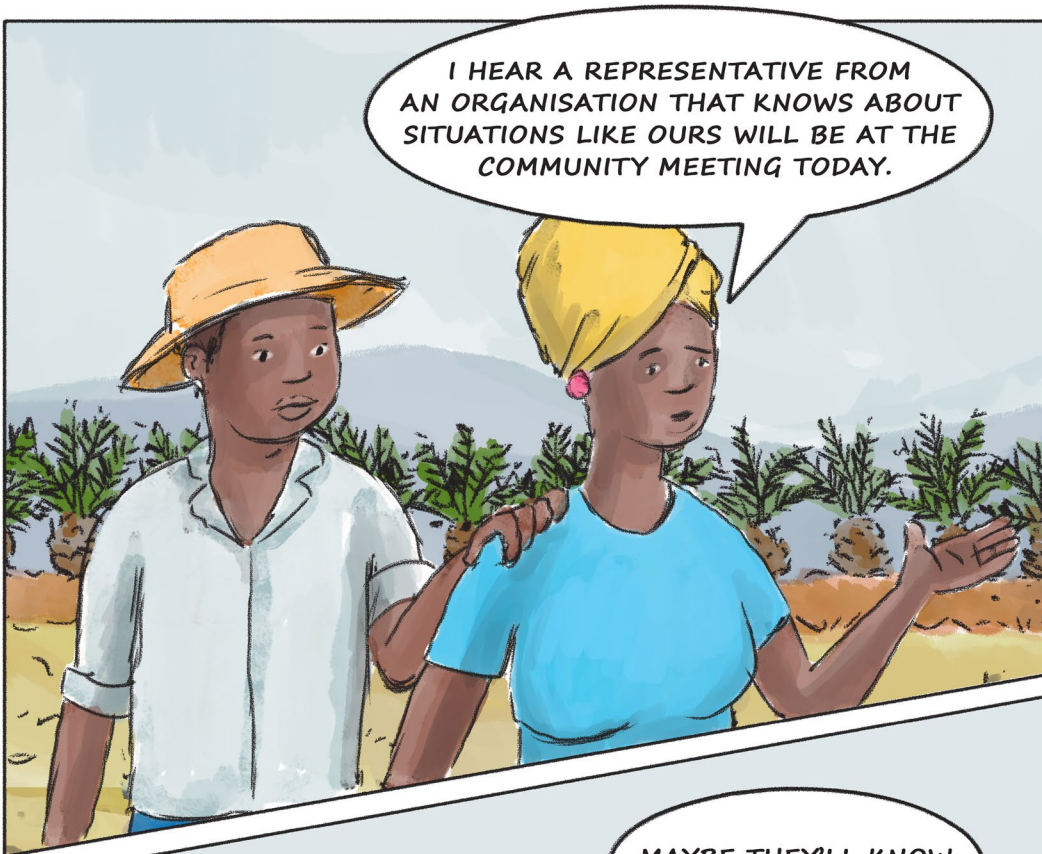


YOU JUST NEED TO BRANCH
OUT YOUR THINKING A BIT.



A COMMUNITY'S DEEP ROOTS CAN BE THREATENED BY EXTERNAL SYSTEMS AND DECISIONS. FOR EXAMPLE, THE HUGE PALM OIL PLANTATION IN THIS COMMUNITY FUNDED BY INTERNATIONAL AGENCIES IS HARMING THE COMMUNITY'S ENVIRONMENT AND ROBBING THE PEOPLE OF THEIR LAND AND LIVELIHOODS.

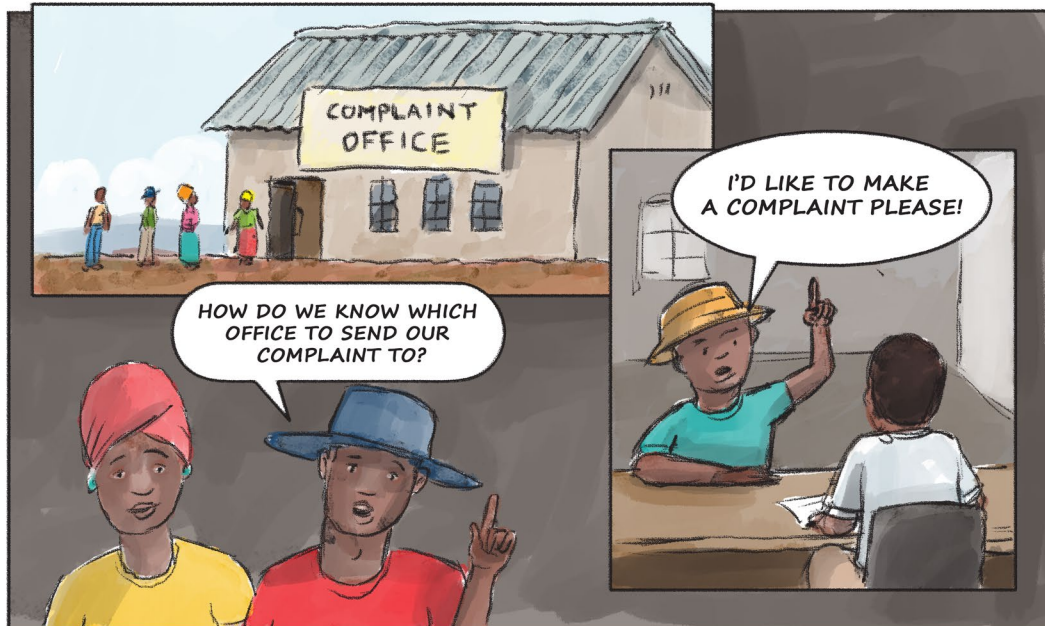




MANY INTERNATIONAL INVESTORS MAKE PROMISES TO RESPECT COMMUNITIES' HUMAN AND ENVIRONMENTAL RIGHTS AND HAVE CREATED MORE APPROACHABLE COMPLAINT OFFICES WHICH HAVE FEWER BARRIERS THAN COURTS. THEY ALLOW COMMUNITIES THEMSELVES TO DEMAND REMEDY THROUGH INVESTIGATION OR NEGOTIATION. COMMUNITIES DON'T NEED A LAWYER TO ACCESS THESE OFFICES. HOWEVER, THESE OFFICES ARE NOT COURTS AND ARE UNABLE TO ENFORCE ANY AGREEMENT OR RECOMMENDATION THEY MAKE.



ULTIMATELY, COMMUNITIES WILL NEED TO PUT PRESSURE ON THE INVESTORS TO FOLLOW THROUGH ON ANY COMMITMENTS. THIS MAY REQUIRE MEDIA ATTENTION, ADVOCACY WITH SENIOR OFFICIALS, AND MORE. SOME COMMUNITIES RECEIVE MEANINGFUL REMEDY THROUGH THESE PROCESSES, AND SOME DO NOT. THE COMMUNITY NEEDS TO MAKE AN INFORMED DECISION ABOUT WHETHER THIS STRATEGY IS THE RIGHT ONE FOR THEM.

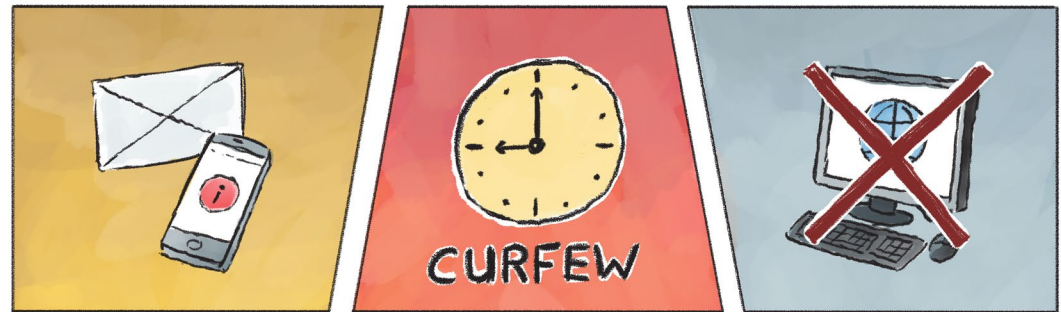


THERE ARE CIVIL SOCIETY ORGANIZATIONS THAT SPECIALIZE IN SUPPORTING COMMUNITIES TO APPROACH THESE INTERNATIONAL COMPLAINT OFFICES, LIKE THE AFRICAN COALITION FOR CORPORATE ACCOUNTABILITY (ACCA) OR ACCOUNTABILITY COUNSEL (AC).



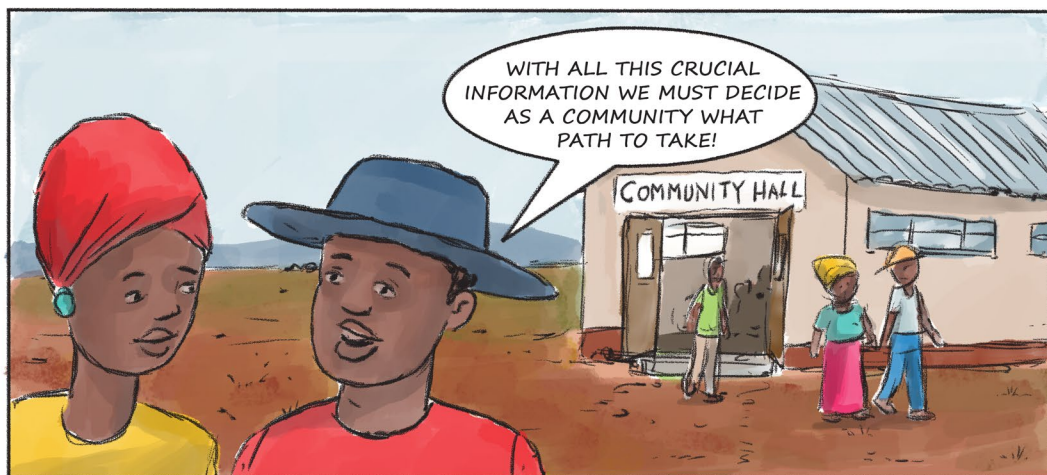


SOME COMMUNITIES ARE UNABLE TO ACCESS ACCOUNTABILITY OFFICES DUE TO A LACK OF INFORMATION ABOUT WHAT THEY ARE AND HOW TO USE THEM, AS WELL AS FINANCIAL, LINGUISTIC, GEOGRAPHIC, AND TIME CONSTRAINTS. THREATS OF RETALIATION AND EFFORTS TO SILENCE DISSENT ARE SADLY COMMON AND CAN MAKE IT DANGEROUS FOR COMMUNITIES TO SPEAK UP. THERE'S ALSO NO GUARANTEE OF ANY PARTICULAR OUTCOME: THIS STRATEGY, LIKE ALL STRATEGIES, HAS RISKS.



RESTRICTIONS ON MOVEMENT MAY PREVENT COMMUNITY ORGANISING, COMMUNICATION, TRAININGS AND INTERACTION WITH ACCOUNTABILITY OFFICE REPRESENTATIVES. LIMITED ACCESS TO TECHNOLOGY OFTEN PREVENTS THE POSSIBILITY OF VIRTUAL ALTERNATIVES. FORTUNATELY, COMPLAINT OFFICES ARE STILL RECEIVING COMPLAINTS AND DEVELOPING BETTER VIRTUAL TOOLS IN CASE IN PERSON VISITS ARE RESTRICTED.





BY UTILISING THEIR OWN INTRINSIC POWER, AND BY GAINING NEW KNOWLEDGE WITH THE AID OF CIVIL SOCIETY ORGANISATIONS, THEY CAN WEATHER THIS STORM. THEY CAN REGAIN CONTROL OF THEIR LAND AND LIVELIHOODS.



YOU WERE RIGHT...
OUR ROOTS DO GO DEEP.
THIS GIVES US STRENGTH.



SEE... IT'S NOT SO
BAD BEING A TREE.

