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**Conference Program**  
**9th African Union Commission on International Law**  
**AUCIL – FORUM 2023**

**INTERNATIONAL LAW,**  
**BUSINESS LAW &**  
**HUMAN RIGHTS IN AFRICA**

**African Union**  
**Addis Ababa, Ethiopia**  
**15 – 16 May 2023**

## **I. Introduction**

1. The African Union Commission on International Law (AUCIL) was established in 2009 pursuant to Article 5 (2) of the Constitutive Act of the African Union as an independent legal advisory body to contribute to the codification and progressive development of international law on the African continent. AUCIL is governed by the Statute of the African Union Commission on International Law, which was adopted pursuant to a Decision of the Assembly of the African Union (*Assembly/AU/Dec.209 (XII)* - 12<sup>th</sup> Ordinary Session, February 2009).

## **II. Background on AUCIL Forums**

2. AUCIL Forums are held in conjunction with the annual session of the AUCIL. It is designed to provide a platform for engagement between AUCIL members, African scholars and jurists, and experts from across the world on questions of international law of interest to Africa.
3. Previous AUCIL Forums have discussed various themes, including:
  - i. "Codification in international law at the regional level".
  - ii. "The Law of Regional Integration in Africa".
  - iii. "Issues of Ratification and the Implementation of Treaties in Africa".
  - iv. "The challenges of ratification and implementation of treaties in Africa".
  - v. "The Role of Africa in Developing International Law".
  - vi. "The Legal, Political and Socio-Economic Consequences of Migration, Refugees and Internally Displaced Persons in Africa".
  - vii. "The Management of Natural Resources in Africa".
  - viii. "Constitutional democracy, Rule of Law and struggle against corruption".

## **III. Theme**

4. The theme for the 9<sup>th</sup> edition of the AUCIL Forum is:

***"International law, business law, and human rights in Africa"***

#### IV. Speakers:

1. **Dr. Oyeniya Abe**, Senior Lecturer, The Law School, University of Huddersfield, United Kingdom.
2. **Dr. Michael K. Addo**, Professor of Law, University of Notre Dame Law School, Member of the United Nations Working Group on Business and Human Rights 2011-2018. (Keynote Speaker – Closing Session)
3. **Dr. Veronica Fynn Bruey**, Assistant Professor Legal Studies, Centre for Social Sciences, Faculty of Humanities and Social Sciences, Athabasca University
4. **Dr Professor Danwood Mzikenge Chirwa**, Dean, Faculty of Law, University of Cape Town.
5. **Dr. Eghosa Ekhator**, Senior Lecturer in Law, College of Business, Law and Social Sciences, Derby Law School.
6. **Professor David Kaye**, Clinical professor of law, University of California, Irvine, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2014-2020)
7. **Dr. Damilola S. Olawuyi**, Professor and Associate Dean for Research, UNESCO Chairholder on Environmental Law and Sustainable Development, Khalifa bin Hamad University. (Keynote Speaker – Opening Session)
8. **Adaeze Okoye**, Principal Lecturer, School of Business and Law, University of Brighton
9. **Dr. Ibronke Odumosu-Ayanu**, Professor of Law, University of Saskatchewan, College of Law.
10. **Ms. Florence Shako**, Senior Partner, Mitullah, Shako and Associates Advocates and Executive Director of the Centre for Education Policy and Climate Justice
11. **Dr. Solomon Dersso**, Founding Director, Amani Africa; Chairperson (2019-21) & current member, African Commission on Human and Peoples' Rights.

## **V. Participants**

Participants targeted by the Forum are:

- a. Practitioners: Legal Advisers of Ministries of Foreign Affairs of AU Member States, Lawyers with specialization in International Law, Human Rights Law and Business/Company Law;
- b. Member States: Ambassadors of AU Member States, Diplomats, Ministries of Justice of AU Member States;
- c. Educational and Research Institutions: Academics and Scholars, Law Faculties from AU Member States, African Law Researchers and the Diaspora, Research Centers on International Law in Africa and elsewhere;
- d. Regional and International Organizations, as well as Non-governmental Organizations whose work is related to the theme of the forum.

## **VI. Organizers**

### **Chairperson of the 9th AUCIL Forum: Professor Dr. Mohamed Helal**

Associate Professor of Law, Mortiz College of Law, The Ohio State University,  
Member, Permanent Court of Arbitration (PCA)  
Member, AUCIL  
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### **Rapporteur of the 9th AUCIL Forum: Mrs. Sindiso Kumalo Sichone**

Member, AUCIL  
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### **Office of the Legal Counsel of the African Union**

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## **Conference Program & Sessions**

### **Format of the Sessions and Discussions:**

The 9<sup>th</sup> AUCIL Forum was designed to engender a constructive and engaging conversation between invited speakers, members of the AUCIL, representatives of AU Member States, members of the AU Commission, and other participants. Each of the sessions of the forum covers a topic that explores one aspect of the question of business and human rights. However, instead of having a traditional set-up that has panelists that give presentations and a moderator that manages the session and then opens the floor to Q&A, we have opted for a more dynamic and participatory model. In each one-hour session, an invited speaker has been assigned as the lead discussant on the topic of the session. After sharing opening remarks or giving a presentation on the topic, the invited speaker will lead the discussion with the active participation of other invited speakers and attendants. This, we hope, will engender a fluid and engaging conversation and a more enriching exchange of views.

### **Day One: Monday, 15 May 2023**

#### **09:00am-10:30am: Opening Ceremony:**

**MODERATOR: Dr. Guy Fleury-Ntwari, African Union Legal Counsel**

- **Welcoming remarks by the Chairperson of the AUCIL Forum**
- **Statement by Chairperson of the 9th AUCIL Forum**
- **Statement by Chairperson of the AUCIL**
- **Statement by the Representative of AU Commission**
- **Statement by the Representative of the Federal Democratic Republic Ethiopia**
- **Keynote Opening Address: Dr. Damilola S. Olawuyi SAN, UN Working Group on Business and Human Rights, Professor and UNESCO Chair on Environmental Law and Sustainable Development at the Hamad Bin Khalifa University**

**10:30am – 11:30: Session One: International Law, Business and Human Rights: Insights from the Work of the African Commission Human and Peoples' Rights.**

**MODERATOR: Justice Abdi Ismaël HERSI AUCIL, Member**

**SPEAKER: Dr. Solomon Dersso, Founding Director, Amani Africa; Chairperson (2019-21) & current member, African Commission on Human and Peoples' Rights.**

*The African Commission on Human and Peoples' Rights (ACHPR) is a regional intergovernmental organization that promotes and protects human rights in Africa. The ACHPR has been at the forefront of promoting the integration of human rights principles into business practices in Africa, recognizing that business activities can have significant impacts on human rights. What are some specific examples of human rights violations in African countries due to business activities, and how have they been addressed by the African Commission? How do cultural, historical, and socioeconomic factors impact the relationship between international law, business, and human rights in Africa? What are some of the key challenges faced by the African Commission on Human and Peoples' Rights in addressing human rights violations by businesses? How can the African Commission on Human and Peoples' Rights work with other international bodies and organizations to address human rights violations by businesses?*

**11:30-12:00am: Coffee Break & Group Photo**

**12:00-12:30pm Session Two: Business, Human Rights, and the United Nations Guiding Principles: The Search for Good-Fit Approaches in Africa**

**MODERATOR: Ambassador Juliet Semambo KALEMA**

**SPEAKER: Dr. Oyeniya Abe, Senior Lecturer, The Law School, University of Huddersfield, United Kingdom.**

*The UN Guiding Principles on Business and Human Rights are the principal normative instrument on the human rights obligations of business entities. How have the GPs shaped and affected efforts to ensure accountability for human rights violations by corporate actors in Africa? Are there structural disincentives that have prevented African countries from institutionalizing the GPs and enforcing human rights norms against corporations? How can African countries construct the legal and institutional frameworks that address adverse human rights impacts across the entire value chain of a broad range of economic sectors and activities?*

**12:30-1:30pm: Session Three: Towards (Global) Hard Law: Reflections on the Negotiations on a Treaty on Business and Human Rights**

**MODERATOR: Prof. Kevin Ferdinand NDJIMBA**

**SPEAKER: Adaeze Okoye, Principal Lecturer, School of Business and Law University of Brighton**

*Negotiations have been ongoing since 2014 on an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights. What progress has been achieved on this front? What are the areas of divergence and convergence between the negotiating parties? What are the prospects for the conclusion of this agreement? Will it enjoy widespread support?*

**1:30-2:30pm: Lunch Break**

**2:30-3:30pm: Session Five: Economic, Social and Cultural Rights, Sustainable Development Goals, and Duties of Corporations**

**MODERATOR: Hon Kathleen QUARTEY AYENSU**

**SPEAKER: Dr. Professor Danwood Mzikenge Chirwa, Dean, Faculty of Law, University of Cape Town.**

*The attention that the Sustainable Development Goals (SDGs) has given to public–private partnerships in solving global concerns including poverty, sustainable development and climate change has shed new light on the question of duties of corporations in relation to economic, social and cultural (ESC) rights. This session will focus on the responsibilities of corporations in relations to the efforts of states to realize the SDGs.*

**Day Two: Tuesday, 16 May 2023**

**09:00-10:00am Session Six: Energy Impunity? Ensuring Accountability for Human Rights Abuses in the Energy Sector – The Case of Liberia**

**MODERATOR: Dr. Bélibi Sébastien DAILA**

**SPEAKER: Dr. Veronica Fynn Bruey, Assistant Professor Legal Studies, Centre for Social Sciences, Faculty of Humanities and Social Sciences, Athabasca University**

*Liberia is Africa's oldest republic yet continues to remain in the low human development category. One area of concern with respect to the economy and inequality of human development*

*is the lack of access to reliable and affordable electricity. For nearly a century, concession companies including those mining rich mineral and felling trees have extracted wealth at the expense of Indigenous rights and environment degradation. In the absence of strong government regulations, this presentation examines such companies (e.g., Orange, Firestone, Arcelor Mittal, MNG Gold, and Golden Veroleum) have a corporate social responsible to ensure Liberians' rights and sustainable access to (clean and renewable) energy.*

**10:30-11:00am: Coffee Break & Refreshments**

**11:00am-12:00pm: Session Seven: Privacy, Surveillance, and Espionage: Can Human Rights Constrain Corporate Activities in Cyberspace?**

**MODERATOR: Judge Abdi Ismael HERSI**

**SPEAKER: Professor David Kaye, Clinical professor of law, University of California, Irvine, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2014-2020)**

*Business actors are at the forefront of developing new technologies that have the potential to infringe on individual human rights in cyberspace. Do business and human rights norms, including the UN Guiding Principles, have a role in constraining the ability of businesses to become an instrument of undermining basic human rights? What are the human rights obligations of social media companies? Does the tech industry have an obligation to ensure that its products are not used to infringe on human rights?*

**12:00-1:00pm: Session Eight: Accountability for Environmental Damage: Building a Nexus between Climate Change Law, Corporate Responsibility, and Human Rights**

**MODERATOR: Ambassador Juliet Semambo KALEMA**

**SPEAKER: Dr. Eghosa Ekhaton, Senior Lecturer in Law, College of Business, Law and Social Sciences, Derby Law School.**

*Can business and human rights provide an avenue to hold corporations accountable for environmental damage? What are the inter-connections between climate change law and corporate responsibility? Is there a way for corporations to be held accountable for the costs of climate change?*

**1:00-2:00pm: Lunch Break**



**2:00-3:00pm: Session Nine: Modes of Corporate Responsibility for Human Rights Abuses: What Role for Investment Law?**

**MODERATOR: Professor Kevin Ferdinand NDJIMBA**

**SPEAKER: *Dr. Ibronke Odumosu-Ayanu, Professor of Law, University of Saskatchewan, College of Law***

*Ensuring respect for human rights norms requires that business and other private actors anticipate and address legal risks relating to the human rights impact of their investments and projects. How can human rights responsibility be fully incorporated in investment law frameworks and how can they be operationalized? Does investment law provide a feasible basis to expand avenues of holding corporations accountable for human rights abuses?*

**3:00-4:00pm: Session Ten: Pathways to Accountability & Remedies: Domestic, Regional, and Global**

**MODERATOR: Hon Kathleen QUARTEY AYENSU**

**SPEAKER: *Florence Shako, advocate of the High Court of Kenya and a Commissioner for Oaths***

*What are the institutional, administrative, and regulatory reforms that are needed to ensure that actors responsible for human rights abuses are held accountable and victims are provided remedies? Can the African human rights system play a role?*

**Closing Session:**

**Keynote Closing Address:  
The Future of Business & Human Rights in Africa**

**SPEAKER: Professor Michael Addo, Professor of Law, University of Notre Dame Law School, Director of the Notre Dame London Law program, Member of the United Nations Working Group on Business and Human Rights 2011-2018.**

**Presentation of the outcomes of the Forum by the 9th Forum General Rapporteur Mrs. Narindra A. RAMANANARIVO**

**Press Briefing**