

CHARTER ON PRIVATE SECTOR DEVELOPMENT, RIGHTS AND PROTECTION ENVIRONMENT IN AFRICA

“A.k.A Private Sector Bill of Rights (PSBoR)
for an Enabling Business Environment in Africa”



**FOR AN ENABLING BUSINESS
ENVIRONMENT IN AFRICA**



AFRICA PRIVATE SECTOR SUMMIT



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Agence pour l'Assurance du Commerce en Afrique



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Restore Africa's Image by standing together for the good of Africa ... Private Sector, Academia, Labor and Stakeholders MUST speak with one VOICE at the National level led by Chambers or National Business Federations.

The regional level is led by regional bodies, the Chamber Continental body is led by PACCI, and at the AU led by the Africa Business Council (AfBC).

APSS is standing with national, regional, and pan-african business associations, academia, labor, CSOs, and stakeholders for a united, strong, independent, vibrant, and functional private sector.



What does the Private Sector Want in a PSBOR?

In Africa's Regional Economic Communities (RECs) and the African Continental free trade agreement (AfCFTA) protocols already are anchored on several enabling principles. The Private Sector is now claiming these as Rights and Enablers to insure and ensure their timely implementation to achieve the Fourth Industrial Revolution in Africa in fulfillment of African Union (AU) Agenda 2063.

The Private Sector simply seeks a predictable investment climate that is conducive for Business to exist, thrive and be successful.

These include elements of enablers such as:

- 1 The right to peace, security and stability to ensure trade and investment opportunities.
- 2 The right to efficient, transparent public sector governance to support business growth and wealth creation.
- 3 The right to efficient company registration and closure for African businesses.
- 4 The right to a functional legal system that guarantees the sanctity of contracts and timely resolution of disputes.
- 5 The right to efficient and fair tax rules that avoid multiple taxation.
- 6 The right to equal treatment and equal opportunity for market competition.
- 7 The right to efficient access to capital (credit, equity, or debt).
- 8 The right to exceptions and subsidies for small and medium enterprises.
- 9 The right to property and its protection, including Intellectual Property and Traditional Knowledge, and to benefit from scientific progress.
- 10 The right to support innovation, including support for the Creative Industry as an inclusive partner in innovation and retaining Traditional Knowledge.
- 11 The right to timely, reliable and efficient processing of documentation and clearing of imports, and of expedited carriers and cargos.

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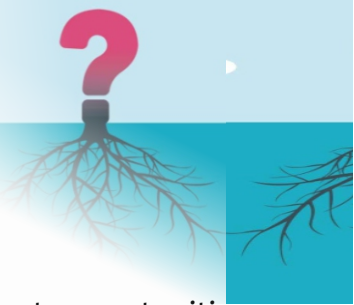
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- 12 The right to adequate infrastructure to propel trade and investment.
- 13 The right to a functional education system to meet skills-set demands by business and industry.
- 14 The right to free movement of people in Africa, including seamless border crossing.
- 15 The right to stable, fairly valued currencies for trade in Africa and beyond.
- 16 The right to harmonized continental quality assurance standards matching global levels for ease and competitiveness of intra-African and global trade.
- 17 The right to protection from unlawful expropriation of investments, and to adequate compensation in a freely transferable currency where required.
- 18 The right to consultation of the private sector on policy, law and regulation prior to enactment, and to a broadly consultative relationship between the public sector and the private sector to propel trade and investment.
- 19 The right to participatory ownership and co-ownership of the development and value-added transformation of natural resources of Africa.
- 20 The right to participate in trade-related cross-border dispute resolution in the context of the African Continental Free Trade Agreement.
- 21 The right to one-stop processes for banking and financial transfers.
- 22 The right to adapt labor and Intellectual Property laws to require local content, capacity building of local workers, and technology transfer to African businesses.
- 23 The right to open access to data and to establish local data banks for African businesses.
- 24 The right to conduct business activities in RECS and AfCFTA Member States without engaging in bribery and corrupt practices.



1. What is PSBoR?

Business owners/Investors look at investment opportunities in any country, region, or continent in general with “an eagle eye” for an enabling business environment. Such an environment points to predictability and legal framework for prompt enforcement of business agreements and contracts. In the absence of such Enabling Business Environment, serious minded, creditable investors would be unwilling to invest because of the inherent risks of doing business within such African countries.

2. Why PSBoR?

WHY SHOULD PRIVATE BUSINESSES SUPPORT THE REGIONAL ECONOMIC COMMUNITIES (RECs) AND AfCFTA PROTOCOLS ?

The RECs and AfCFTA protocols are composed of numerous trade and investment facilitation enablers that were signed by African Heads of State. When implemented, these enablers will propel trade and investment in Africa. The Private Sector Bill of Rights(PSBoR) for an Enabling Business Environment in Africa seeks to serve as a complimentary companion instrument to both RECs and AfCFTA protocols to ensure predictable conducive opportunities exist.

What Happens if the PSBOR is Passed/Enacted by Parliamentary Institutions of the RECs, African Union or The Pan African Parliament and or Heads of State?

If such PSBoR is passed/enacted by parliamentary decree and or Heads of State at AU, then it becomes a vital instrument that would accelerate national, and regional development goals in fulfilment of the AU Agenda 2063!

Note 1

We are trying to take the same route as was done with the passage/enactment of the AfCFTA. Get 22 countries to sign up and then ratification.

Some countries might have their parliament act on it, in pursuit of the country's national program.

Note 2

We are making the argument that the PSBoR is a complimentary companion instrument to the AfCFTA agreement, and we are promoting it as such.

Note 3

The basic source of the tenets of the PSBoR comes from the RECs and AfCFTA protocols.



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BENEFIT FROM AN ENACTED PSBoR FOR RECs AND AfCFTA

To Governments

- Pays Taxes to Governments, thus increase government revenues.
- Helps Africa as inviting destination for investment.
- Create jobs as manufacturing, trade and services increase.
- Grow the Gross Domestic Product (GDP) of African countries and GDP per capital for inclusive growth.
- Take Africa from treaty to an economic reality on the ground

To Private Sector

- Creates enabling environment for business expansion and wealth creation.
- Multinational Corporate with listings in multiple exchanges in Africa can support development via Corporate Social Responsibility interventions that qualify for Integrated Reporting
- Thriving Private Sector contributes to listings and sustainability of the capital market
- Integrated Reporting , as a complete report of components involved in the creation of company value over the short, medium and long term, sits well with the aspirations of the PSBoR, to strengthen the Private Sector play its development role in terms of systemic contributions via ESG [Environment, Social and Governance].

To Development Partners

- Private Sector engagement and a conducive environment for the private sector to thrive, positively impacts Human Development Indices
- Thriving Private Sector that is engaged, provides a platform for local development partners by jurisdiction
- Thriving Private Sector holds the Bureaucracy accountable for service delivery.

To General Public in Africa and Globally

- Emergence of Africa as an innovation hub in the 4th Industrial Revolution.
- Multiple opportunities for MSMEs to plug into the value chains of key sectors with multiplier effect on development and availability of talents, like health, education, food, security and logistics, etc
- Boost to tourism, the creative industry and ancillary services across the continent
- The Charter on Private Sector Bill of Rights offers continental HOPE for people of Africa, friends of Africa and the World!
- Africa, truly open for business!



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HOW THE PRIVATE SECTOR AND STAKEHOLDERS CAN HELP IN GETTING THE PSBoR ADOPTED AT THE AU

Private Sector companies and associations can support the APSS advocacy to African Governments, by:

A. Africa's private sector operators need to undertake the achievement of sustainable development through balancing economic, social, and environmental considerations. This includes incorporating principles and practices applicable to Environment, Governance and Social (ESG) into their practices, namely:

1. Creating effective **corporate governance frameworks** for internal operations and external stakeholder engagement, ethical business practices and adherence to established standards for transparency and accountability by businesses.
2. Commitment to **environmental protection** - sustainable business practices, resource conservation, pollution prevention, and adherence to environmental regulations.
3. Demonstrate **compliance to workers' rights and labour standards** - fair wages, safe working conditions, non-discrimination, and the right to organize and bargain collectively.
4. Commitment to **social impact and inclusive culture** - demonstrate collective decisions on inclusive development initiatives that benefit markets and host communities.
5. Investment on **corporate social responsibility** by demonstrating positive contributions to host communities, through philanthropy, community engagement, and ethical business practices.

B. Private Sector companies are encouraged to support the APSS and its Ecosystem of Partners, for the promotion and CONTINENTAL adoption of the PSBoR.

C. APSS and its Ecosystem of Partners will on individual request, provide additional advisory to support African businesses in incorporating recommendations in A(1-5) above

ROAD MAP

CHARTER ON PRIVATE SECTOR BILL OF RIGHTS

APSS

PACCI

VETTING AND VALIDATION BY STAKEHOLDERS

- National Chambers of Commerce & Business Associations
- Regional Business Associations
- Regional Business Councils
- Academia & TVETs
- Labour
- CSOs
- Media
- Regional Economic Communities (RECs)

AFRICAN BUSINESS COUNCIL & PARTIES

- Advocacy at the African Union (AU)
- Adoption by African Union Heads of State

The Future of Africa lies in the Hands of a strong and vibrant private sector, functioning under a conducive investment climate!



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BE A PART OF HISTORY IN MAKING THE PSBoR FOR AfCFTA TO DELIVER THE AFRICA WE WANT

Engage your local Chamber of Commerce and or Business Association to be a part of your country's delegation to the PSBoR Vetting gathering, Let Your Voice be Heard!

The vetting & validation will be led by APSS, PACCI in collaboration with the Regional Business Councils; Adoption of PSBoR will be led by Africa Business Council at The African Union.



VENUE

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DATE

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HEEDING THE CALL FOR THE PSBoR CAMPAIGN

The AfCFTA protocol is a Gift to the Private Sector, Stakeholders and the People of Africa from the Politicians/Public Sector. It is a set stage for the development transformation for the Africa we want. The private sector and stakeholder actors must deliver AfCFTA as a historical act for the benefit of the future of Africa.

1 Obtain a copy of the Draft PSBoR from the PACCI or APSS website or contact your local Chambers or Business Associations.

2 Make the PSBoR a conversation of discussion in every gathering - family, social, business and with your politicians. Know the facts about the PSBoR, share the info and obtain the views of others.

3 Contribute to the document from your sector or the overall business perspective.

4 Invest in the process by supporting the vetting, validation and campaign leading to the adoption of PSBoR by African Union Heads of State

Become a Champion of PSBoR for a better Africa we want!

This call is to Presidents of countries, Business Leaders, Regional Business Organizations, RECs, National Chambers or Business Federations, Continental & National Professionals Associations, Individuals.

Watch Out for **The PSBoR Africa Awards** into the near future!



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Partners: The Ubuntu Journey Continues



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CENTER FOR INTERNATIONAL PRIVATE ENTERPRISE



Academia & Industry Linkage



Global Institute
of Planning & Sustainable Development



East African Chamber of
Commerce, Industry & Agriculture



The Voice of the Private Sector
in East Africa

