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United Nations Development Programme

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# **BUSINESS AND HUMAN RIGHTS IN AFRICA SPOTLIGHT REPORT**

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**2023**

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## BACKGROUND

As Africa's economic activity and Foreign Direct Investment (FDI) growth continue, largely propelled by initiatives like the African Continental Free Trade Area (AfCFTA), businesses in the region are under increasing scrutiny for their impact on and respect for human rights. Many have not embedded or embraced human rights due diligence in their operations<sup>1</sup> as outlined in the United Nations Guiding Principles on Business and Human Rights (UNGPs).



*Africa's potential for growth is enormous, but economic progress must not be sought without respect for human rights. Because a quest for growth can often turn exploitative and push aside human dignity. "The African renaissance is upon us; let us ensure that it is just and humane."—Sanda Ojiambo, UN Global Compact).*

Governments, National Human Rights Institutions (NHRIs), Civil Society Organisations (CSOs) and corporations operating in Africa have steadily increased their focus on business and human rights (BHR) and the implementation of the UNGPs. This commitment is evidenced by the development and implementation of National Action Plans (NAPs) on Business and Human Rights in the past decade. Notably, Kenya became the first country in Africa to develop a NAP on Business and Human Rights in 2020, followed by Uganda in 2021 and Nigeria in 2023. Progress is also being made in Senegal, Ghana, Malawi, Zimbabwe, Mozambique, and others.

The African Union (AU) has developed a coherent draft policy on business and human rights at the regional level. In 2009, the African Commission on Human and People's Rights formed its [Working Group on Extractives, the Environment and Human Rights](#).

<sup>1</sup> A Baseline Assessment on Business and Human Rights in Africa: From the First Decade to the Next

In 2022, the AU and UNDP conducted a baseline research survey to obtain a more detailed overview of the state of business and human rights in Africa. The survey uncovered challenges to implementing the UNGPs, such as a lack of awareness of them, the perceived dichotomy between economics, and the failure to make human rights due diligence mandatory. UNDP's BHR for Africa initiative, initiated in 2020, is designed to address these challenges. The initiative is structured around three fundamental pillars: a) Advancing the policy landscape on responsible business; b) Establishing a sustainable programmatic model for UNDP Country Offices; and c) Cultivating partnerships by leveraging UNDP's distinctive role in coordinating with peers. In this brief report, UNDP will illustrate key highlights and achievements of the BHR work in Africa in 2023.

## POLICY AND PROGRAMMING

### **a. 2nd African Business and Human Rights Forum**

UNDP and the African Union Commission (AUC) have been actively committed to advancing the development and execution of NAPs in numerous African countries, alongside their efforts to raise awareness about BHR. Since 2021, both organisations have organised peer-learning sessions and awareness-raising events across various African regions, engaging over 1,500 participants.

In 2023, UNDP worked with the AUC and other partners to deliver the 2nd African Business and Human Rights Forum (the Forum) under the theme For Africa, From Africa. The event was attended by over 400

participants from 50+ African countries, stemming from government, CSOs, NHRIs, the private sector, think tanks and academia.

The sessions at the Forum were anchored on the three pillars of the UNGPs - protect, respect and remedy. They covered inclusive, ethical business practices, responsible free trade, human rights and environmental concerns in conflict situations, gender, artificial intelligence, and business. The draft report can be accessed [here](#).

The Forum played a crucial role in broadening the dissemination of the UNGPs across the continent and fostering peer exchange and networking among countries. UNDP supported the participation, experience sharing and peer-to-peer learning of representatives from 16 countries, namely Burkina Faso, Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Ghana, Kenya, Liberia, Malawi, Mozambique, Nigeria, Rwanda, São Tome and Principe, Senegal, Sierra Leone, Tanzania, Tunisia, and Zimbabwe. In addition to the delegates funded by UNDP, other delegates either funded themselves or were supported by partners and co-organisers, reflecting UNDP's mobilisation capacity and the ability to leverage partnerships for resource mobilisation.



*“This year’s theme “For Africa, From Africa,” encapsulates the heart of our collective mission of implementing the UNGPs in an African context (...); the best solutions for our continent emerge from within - filled by our passion, diversity and determination”—Matthias Naab, UNDP.*

## b. Country Engagement

2023 marked significant strides in BHR at the country level, with an evident surge in momentum towards establishing robust national policies. Numerous countries have demonstrated proactive commitment by embarking on the formulation and execution of BHR NAPs. Among these, the efforts of Senegal, Côte d'Ivoire, Ghana, Nigeria, and Zambia in conducting multi-stakeholder dialogues, awareness-raising exercises, trainings and undertaking studies on BHR are commendable. In 2023, the following activities took place.

### AFRICAN GOOD PRACTICES



**Burkina Faso:** UNDP Burkina Faso undertook a study on BHR in Burkina Faso and, in addition, developed a background document for the development of activities in Burkina Faso.

**Côte d'Ivoire:** UNDP Côte d'Ivoire partnered with the Government and Office of the High Commissioner for Human Rights (OHCHR) to initiate the NAP development. A detailed roadmap has been adopted through a workshop and collaborative efforts with the Ministry of Justice. The office is initiating the National Baseline Assessment (NBA) on BHR.

**Ethiopia:** In early 2023, UNDP, OHCHR East African Regional Office, Ethiopian Human Rights Commission (EHRC) and the Danish Institute for Human Rights (DIHR) organised a multi-stakeholder dialogue on BHR for representatives of state institutions in charge of business management, commercial enterprises including state-owned companies, CSOs, academic institutions as well as relevant international organisations with the view to create awareness on BHR and kick start a dialogue on the implementation of the UNGPs in Ethiopia. Towards the end of the year, UNDP joined Friedrich Ebert Stiftung (FES) and EHRC, who convened a ministerial meeting to discuss the next steps on the country's agenda.

**Ghana:** UNDP Ghana collaborated with the Commission on Human Rights and Administrative Justice, the Office of the Attorney General's Department, and the Ministry of Justice to host a series of capacity-building workshops and three consultations led by the multistakeholder NAP Steering Committee. The Committee focused on promoting inclusive and non-discriminatory principles throughout the NAP development process. The NAP Steering Committee is finalising the NAP draft, slated for adoption in 2024, with

inputs from regional consultations and engagement with marginalised groups. UNDP Ghana also organised two trainings on BHR for Japanese companies in January and October 2023. These initiatives, which were implemented with the support of the Government of Japan, aim to support the promotion of responsible business practices in Ghana.

**Kenya:** With the support of the Government of Japan, UNDP Kenya conducted a study on the human rights risks of Japanese companies and their suppliers in Kenya and provided Human Rights Due Diligence training for Japanese businesses. In addition, activities included sensitisation, awareness-raising campaigns, and targeted training in various Kenyan counties for key ministries, government agencies, the Kenya National Commission for Human Rights, judicial administrators, journalists, and other oversight actors.

**Malawi:** UNDP Malawi supported the Government in establishing a Steering Committee involving the Ministry of Labour, the Ministry of Mines and Industry, the Chamber of Commerce, and CSOs to lead the development of the NAP in Malawi. They also earmarked funds to support the development of an NBA, which will be finalised in 2024.

**Mozambique:** UNDP Mozambique organised the BHR Academy (training on Human Rights Due Diligence for 40+ Mozambican and Japanese companies. The training also included the human rights risk assessment. The Country Office, the MOJ, OHCHR, and the EU also conducted provincial consultations for the BHR NAP in Zambesia and Tete.

**Nigeria:** In 2023, UNDP Nigeria achieved a significant milestone, becoming Africa's third country to develop a NAP. In December 2023, UNDP Nigeria in partnership with NHRI supported a

preliminary high-level engagement with stakeholders, the inauguration of the national working group on BHR and set up of secretariat for the working group including the development of secretariat protocol and printing of limited copies of the NAP. Also, in partnership with the NHRI, UNDP crafted a concept note to operationalise the implementation of the NAP, which is set to commence in 2024.

**Sierra Leone:** UNDP supported the Human Rights Commission in organising regional consultations to validate the draft Policy on BHR. The draft policy provides a framework that guides relevant ministries, departments, and agencies in regulating and promoting a responsible investment climate for all stakeholders, consistent with international, regional, and domestic human rights frameworks, laws, and policies. The Country office also supported CSOs to expand the popularisation of UNGPs to communities and increased the knowledge of 300 stakeholders (including 47 (16%) persons with disability and 51 (17%) youths). These engagements were complemented by seven grievance redress committee meetings of 55 stakeholders, which helped resolve three issues that had the potential to create violence and adversely impact lives and property.

**Senegal:** UNDP Senegal organized a multi-stakeholder dialogue on BHR, leading to the mapping of critical stakeholders for ongoing engagement. The dialogue resulted in a recommendation to initiate a study on BHR in Senegal that goes beyond the extractive industry. The Government of Senegal, led by the Minister of Justice, demonstrated their commitment by actively participating in the Global Forum on Business and Human Rights in Geneva, championing the BHR agenda on a global scale and working to become the first French-speaking African country to adopt a NAP.

**Zambia:** UNDP Zambia, along with the Ministry of Justice, Zambia Human Rights Commission, Diakonia and the Zambia Alliance of Women, organised a multi-stakeholder dialogue on BHR, which brought together several stakeholders in Zambia to engage and share ideas on the development of Zambia’s NAP. The dialogue resulted in a roadmap for establishing its NAP on BHR.

**Zimbabwe:** UNDP Zimbabwe organised a capacity-building exercise for officials from the Ministry of Justice on BHR, demonstrating a commitment to enhancing the expertise and understanding of key stakeholders in addressing business-related human rights challenges. The capacity-building exercise involved Zimbabwe Human Rights Commission, National Association of Non-Governmental Organisations, Zimbabwe Environmental Law Association, Action Aid Zimbabwe, Zimbabwe Human Rights NGO Forum, Ministry of Justice, Ministry of Home Affairs, Ministry of Environment, Office of the President and Cabinet, Judicial Services Commission, Ministry of Finance, Ministry of Women's Affairs, FODPZ-Federation of Organisations of Disabled People in Zimbabwe and the Zimbabwe Gender Commission.

These collective country office efforts underscore the positive and growing trend of countries actively engaging in developing policies, reflecting a shared commitment to fostering responsible business practices.

## POLICY AND PROGRAMMING

In 2023, UNDP collaborated with different partners to advance the BHR agenda. Key partners included the AU, OHCHR (at the global and regional level), UN Working Group on Business and Human Rights, UNICEF, IOM, ILO, Action Aid, Oxfam, DIHR, African Coalition for Corporate Accountability, FES, African Union Cooperation, DanChurchAid (DCA), Network of African National Human Rights Institutions (NANHRI), Raoul Wallenberg Institute, International Organisation of Employers, Advocates for International Development, African Dialogue Bank’s (AfDB) International Recourse Mechanism (IRM), United Nations Global Compact, Kenya.



*“We need to speak openly about the remaining gaps and develop a common vision going forward”—Professor Damilola Olawuyi, UN Working Group on Business and Human Rights).*

These collaborative initiatives include engagements leading to critical events and activities:



**Central African Dialogue on BHR (May 2023):** In collaboration with OHCHR and NANHRI, UNDP co-organized a sub-regional dialogue for countries in the Central Africa region while promoting national dialogues in DRC, Cameroon, and the Central African Republic.

DRC and Cameroon developed 'roadmaps' for the NAP, which are being implemented with partners.

**Partners' Breakfast Meeting for Development Partners (June 2023):** UNDP hosted a gathering that brought together over 15 Development Partners interested in BHR.

After this meeting, different partners expressed interest in information sharing on BHR. An informal group of Addis-based BHR actors was created and meets regularly.

**East African Dialogue on BHR (June 2023):** This collaborative effort with DCA focused on promoting BHR in East Africa.

Stakeholders from Burundi and Rwanda expressed interest in working on BHR policies. DCA developed a [policy document](#) outlining key findings on this region.

**2nd African Business and Human Rights Forum (September 2023)**

The Forum attracted 400 delegates from 40 African countries and featured 25 panels and sessions, 87 speakers, and 16 UNDP Country Offices.

**Enhancing Rights and Accountability in Development in Lusophone Africa (December 2023):** In collaboration with the AfDB's IRM, UNDP organised this event in Mozambique to enhance rights and accountability in development and foster a connection between Lusophone countries in Africa.

Mozambique, Guinea Bissau, São Tome and Principe and Angola received the opportunity to exchange in this area for the first time. Brazil was invited to deliver remarks to support greater South-South cooperation and later offered technical cooperation.

## REFLECTIONS AND RECOMMENDATIONS

UNDP Africa has achieved noteworthy success in implementing programmes and activities, owing to strategic measures such as maximising opportunities, fostering partnerships, and establishing sustained engagement with Country Offices and partners. While these achievements have significantly advanced the BHR agenda, the sustainability of these efforts in the long run requires careful consideration. Here are a few successes to maintain, and proposed strategies for 2024:

### PRIORITIES FOR 2024

#### CONTINUE

- **Advancing AU/UN Collaboration:** Strengthen engagement between the AU and UNDP, focusing on developing a joint strategy on BHR.
- **Continental Advocacy and Awareness:** Actively foster sub-regional platforms to sustain continental advocacy, awareness, and dissemination efforts.
- **Supporting AU Member States:** Provide ongoing support to AU Member States in developing and implementing NAPs for BHR.
- **Partner Engagement:** Continuously map the partner landscape and actively engage with donors at the country, regional and global levels to create sustained awareness of BHR at the country level.
- **South-South Experience Sharing:** Increase opportunities for South-South experience sharing between countries to facilitate knowledge exchange and best practice sharing.

#### COMMENCE

- **Engagement with Regional Bodies:** engagement with Regional Economic Communities, Multilateral Banks, Partners, and delegations to foster collaboration on BHR initiatives at the regional level.
- **Including BHR in UNDP Country Programme Documents (CPDs):** Intentionally incorporate BHR into the CPDs of UNDP Country Offices to ensure its integration into broader development strategies.
- **Joint Programming and Working Groups:** Explore joint programming and a working group approach with other UN agencies at the country level for collaborative and synergistic BHR initiatives.
- **In-depth Engagement with the Private Sector:** Actively engage with the private sector through dialogue and tools like the B+HR Academy.

#### THESE STRATEGIES

aim to build on the successes achieved and to foster a sustainable framework for the continued advancement of the BHR agenda in the region.

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