 

**The 14th Biennial Conference of the Network of African National Human Rights Institutions (NANHRI)**

**Draft Concept Note**

***Theme:***

***Nurturing responsible business conduct and respect for human rights in Africa***

*“The role of African National Human Rights Institutions in centering human and people’s rights in the context of business operations, and the African Continental Free Trade Area Agreement”*

**Date: October 18 - 20, 2023**

**Background**

The Network of African National Human Rights Institutions (NANHRI) is a regional body of 46 National Human Rights Institutions (NHRIs) in Africa. Its mandate is to support establishment and strengthen NHRIs in Africa as well as to facilitate coordination and cooperation between and among themselves and between them and other key human rights actors at the regional and international levels.

Pursuant to Article 56 of the NANHRI Constitution, the Network of African NHRIs convenes a conference every two years, during which the General Assembly takes place. The biennial conference addresses issues of concern in the region as agreed by the membership, and often culminates in the adoption of declarations and action plans for implementation at the national and regional levels.

The 14th NANHRI Biennial Conference will be held on October 18-20, 2023 in Accra, Ghana physically, in collaboration with the Commission on Human Rights and Administrative Justice (CHRAJ), the incoming Chair of NANHRI.

The theme of the conference will be:

***Nurturing responsible business conduct and respect for human rights in Africa***

*“The role of African National Human Rights Institutions in centering human and people’s rights in the context of business operations, and the African Continental Free Trade Area Agreement”*

**Introduction**

Africa has continued to be a preferred investment destination for businesses. As a result, business activities and/or operations have emerged as key contributors to development on the continent on the upside, while contributing to potential and actual human rights abuses on the downside.

The steady growth has not been without substantive negative impact of business activities to human rights, particularly on economic, social and cultural rights. This is contrary to pertinent provisions of the African Charter including, but not limited to, Article 20 on the right to self-determination; Article 21 on the right to free disposal of wealth and natural resources; and Article 23 on the right to economic, social and cultural development.

Business-related human rights abuses disproportionately impact vulnerable minority groups, infringing on core clauses of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa, and the African Charter on the Rights and Welfare of the Child.

The establishment of the African Continental Free Trade Area (AfCFTA) presents a significant milestone on the journey to African integration and development. The AfCFTA stands as a catalyst for new ways of doing business, producing, working, and trading within Africa and the rest of the world. However, the AfCFTA also has potential to create avenues for violation of human rights, hence the need for a human rights-based approach to the implementation of this important framework.

In the recent years, there have been growing transformations in almost all areas of human activity as a result of digital technological innovation and development, with significant consequences for the equal exercise and enjoyment of human rights. There is no doubt that digital technology offers a range of opportunities to enhance the realisation of a wide range of human rights, including greater access to education and healthcare, and make the provision of these and other public services more efficient. New online platforms have enabled individuals to access and share news, information and ideas more easily, make payments efficiently, as well as communities and groups to mobilise and assemble. However, certain applications of digital technologies can also pose serious risks to human rights. The activities of technology companies in particular, such as software developers, social media platforms, search engines, automated decision making, artificial intelligence and internet services providers have been linked to adverse impacts on the rights to privacy, freedom of expression, freedom of association, non- discrimination and even right to life. The link between tech companies and human rights abuses is not always obvious because of the highly specialised nature of their activities, and the lack of transparency in the development of their digital technologies. The misuse of digital technologies can inadvertently aggravate underlying patterns of discrimination and exclusion and may also bolster the authoritarian tendencies of certain regimes by enhancing their surveillance capabilities,[[1]](#footnote-1) enable mass surveillance of populations, interferences in the right to privacy and discriminatory public policies that reinforce rather than address drivers of inequality.[[2]](#footnote-2) NHRIs therefore, have a fundamental role in protecting and promoting human rights and freedoms in the digital space.

The energy transition and renewable energy projects across the continent, impact different right-holders and vulnerable populations in different and disproportionate ways. Projects, such as Geothermal, wind and solar energy plants are mainly found in areas inhabited by ethnic minorities, which makes them vulnerable to the human rights violation.

Based on Article 23 of the African Charter on Human and People’s Rights[[3]](#footnote-3), which guarantees the right of people to national and international peace and security, there is an increased need in the African Context, to address natural resource exploitation – instigated conflicts, and to implore on businesses, especially multinational corporations operating in Africa, to embrace human rights due diligence and a conflict sensitive approach. Natural resource extraction by mining (including oil, diamonds, copper, and cobalt) has tremendous positive economic potential for states. However, these resources can also do more harm than good if used towards ulterior motives including corruption, the unequal distribution of wealth, and to fuel violence.[[4]](#footnote-4) Valuable resources can both fuel violence through competition for territorial control, promoting looting and rent-seeking, as well as sustaining violence through financing conflict, further advancing the “natural -resource curse” discourse, longstanding religious and ethnic tensions, corruption in the government, and civilian unrest in regard to multinational companies in regard to their operations within a country. For instance, there is a general acceptance that rebel groups use profits from conflict natural resources such as gold, diamond, oil, cobalt, copper, to finance civil wars in different parts of Africa including, Angola, Sierra Leone, Democratic Republic of Congo and Nigeria among others.[[5]](#footnote-5) Therefore, NHRIs while leveraging on their mandates and roles, are strategically positioned to join efforts with other regional actors in conflict prevention and early warning mechanisms, when it comes to business- related conflicts in the region.

The mandate of African NHRIs as stipulated by the Paris Principles designates them to play a pivotal role in the integration of the protect, respect and remedy framework to BHR on the continent. This was recognized in 2011 in the Yaoundé Declaration[[6]](#footnote-6) and has been evidenced by the increased engagement of NHRIs in the field of business such as through the already published NAPs on BHR in Kenya and Uganda, the ongoing NAP processes in Ghana, Mozambique, Liberia, Senegal and Zambia among others.

NANHRI in collaboration with DIHR commissioned NANHRI Member Survey on Business and Human Rights & Sustainable Oceans, published in January 2022 and launched in April 2022[[7]](#footnote-7). Based on the survey, an assessment of key gaps, opportunities, and a plan of action on implementation of the key recommendations were developed.

A draft resolution on Business and Human Rights was submitted to the ACHPR, which informed the Resolution on BHR[[8]](#footnote-8), that was adopted by the ACHPR in March 2023. Further, the draft resolution from the 5th NHRIs forum, informed several recommendations in the Resolution on a human rights – based approach on the implementation and monitoring of the African Continental Free Trade Area Agreement.[[9]](#footnote-9)

From the preliminary assessments, it is evident that challenges still about for NHRIs to reach their full potential as actors in the ecosystem of remedy: from resources and internal capacity to the limited awareness and inaccessibility of some other remedial mechanisms. As such, non-state-based mechanisms such as company-level grievance mechanisms or multi-stakeholder initiatives remain underutilised, and little known among the NHRIs.

Development and human rights are intertwined; therefore, it is important to emphasise the need for heightened human rights due diligence in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs)[[10]](#footnote-10), the African Union Draft Policy on Business and Human Rights[[11]](#footnote-11), Agenda 2030[[12]](#footnote-12) and Agenda 2063[[13]](#footnote-13), the recently adopted Resolutions of the ACHPR, amongst other normative frameworks on Business and Human Rights in the continent. Additionally, it is important to pay particular attention to the different perspectives on how NHRIs envision leveraging on their roles and mandates, to contribute to the growing discussion on the need for a legally binding instrument to regulate the business conduct of transnational corporations in Africa.

NANHRI and her members efforts in BHR continue to build from the successful sub-regional and continental fora on BHR, convened by NANHRI and other actors, where a space has continuously been created for NHRIs to share their experiences, knowledge, perspectives, challenges and recommendations on charting a way forward for the BHR agenda in the African continent.

**Rationale**

National Human Rights Institutions play a pivotal role in monitoring and reporting on the state of human rights at national level, including reporting on abuses, receiving and handling complaints, conducting public inquiries on human rights violations, providing advisory to the states on the situation of human rights, creating awareness through human rights education and conducting research on human rights, and associated violations among others. Given their unique mandate and the elevated status with regional human rights mechanisms, NHRIs have become increasingly indispensable in the dynamic business and human rights discourse in the continent. However, often times, the NHRIs face serious capacity and resource challenges.

The 14th NANHRI Biennial Conference, therefore, while building on the successes of the, previous NHRIs fora, focussed on BHR, the sub – regional NAP dialogues in East, West, and Southern Africa, The Africa Business and Human Rights Forum, the East and Southern Africa NHRI peer learning initiative on BHR among others, will provide a unique opportunity for the NHRIs to interact among themselves and with other critical actors on shaping the next steps in advancing BHR in the continent, while developing practical recommendations based on the different operating context, to surmount the challenges, the NHRIs continue to face as they work in this field.

**Specific objectives of the Conference**

1. Provide a platform for African NHRIs, and other actors to deliberate on the situation of Business and Human Rights in Africa, through specific themes; take stock of the challenges, opportunities, and propose recommendations on a multi-stakeholder approach to integrating the protect, respect, and remedy framework
2. Provide a space for peer- peer learning and knowledge sharing among African NHRIs
3. Develop practical and actionable next steps on moving forward the work on Business and Human Rights (from policy to practice)
4. Reflect on actionable next steps, on implementing the NANHRI guiding framework on mainstreaming human rights in the AfCFTA
5. **Expected outputs**

Accra Declaration of the Network of African National Human Rights Institutions on the role of African National Human Rights Institutions in centering human and people’s rights in the context of business operations, and the African Continental Free Trade Area Agreement

A plan of action for the NHRIs in supporting collective action on charting a way forward for BHR advancement in the African continent.

**Expected outcomes**

1. Promotion of an NHRI centred - multi-stakeholder approach to addressing business and human rights-related issues that will generate quality results, strengthen trust among stakeholders/ partnerships and foster a long-term common vision on BHR agenda in the continent
2. Strengthened and increased contribution of NHRIs in the BHR normative frameworks’ and the AfCFTA
3. Build on, and advance good practices on BHR advancement from National, regional and international processes, reflected in scaled up and sustained interventions by African NHRIs on BHR

**Conference format and participants**

The Conference will be held for three days on October 18 - 20, 2023 physically in Accra Ghana, co-hosted by the NANHRI Secretariat and the Commission on Human Rights and Administrative Justice (CHRAJ)

The meeting will be characterised by an opening session, expert presentations, panel discussions, plenaries and parallel meetings, from the 46 African NHRIs, civil society organisations, governmental, intergovernmental and non-governmental organisations, the UN agencies, thematic experts, the private sector (business communities) representatives, the academia, select representatives of vulnerable populations and development partners.

A select team, supported by an expert rapporteur will draft the Declaration and Action Plan which will be enriched throughout the conference and adopted with amendments at the end of the conference.

1. <https://www.humanrights.dk/tools/digital-rights-check> [↑](#footnote-ref-1)
2. <https://www.humanrights.dk/files/media/document/The%20Tech%20Sector%20and%20National%20Action%20Plans%20on%20Business%20and%20Human%20Rights_2020_accessible.pdf> [↑](#footnote-ref-2)
3. <https://au.int/en/treaties/african-charter-human-and-peoples-rights> [↑](#footnote-ref-3)
4. <https://acleddata.com/2014/11/19/resource-related-conflict-in-africa/#:~:text=Valuable%20resources%20can%20both%20fuel,in%20indirectly%20inciting%20political%20violence>. [↑](#footnote-ref-4)
5. IBID [↑](#footnote-ref-5)
6. <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/ClaireMethvenOBrien_EdinburghDeclaration.pdf> [↑](#footnote-ref-6)
7. <https://www.nanhri.org/wp-content/uploads/2022/02/NANHRI-Member-Survey-on-Business-and-Human-Rights-Sustainable-Oceans.pdf> [↑](#footnote-ref-7)
8. <https://achpr.au.int/index.php/en/adopted-resolutions/550-resolution-business-and-human-rights-africa-achprres550-lxxiv-2023> [↑](#footnote-ref-8)
9. <https://achpr.au.int/index.php/en/adopted-resolutions/resolution-human-rights-based-approach-implementation-monitoring-achprres551> [↑](#footnote-ref-9)
10. <https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf> [↑](#footnote-ref-10)
11. <https://www.business-humanrights.org/en/latest-news/african-union-draft-policy-framework-on-business-human-rights/> [↑](#footnote-ref-11)
12. <https://sdgs.un.org/2030agenda> [↑](#footnote-ref-12)
13. <https://au.int/en/agenda2063/overview> [↑](#footnote-ref-13)