



PROGRESS IN THE IMPLEMENTATION OF THE UNGPs IN SIERRA LEONE: Towards Creating an Atmosphere of Responsible Investment Conduct

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The United Nations Guiding Principles on Business and Human Rights (UNGPs) were developed by Professor John Ruggie starting from 2005 to 2008 and mid 2011 endorsed by the UN Human Rights Council. The UNGPs serve as the global framework standard of expected conduct of states and all businesses to address human rights harm arising out of operations of businesses and thus creating an enabling environment that promotes responsible, sustainable and profitable business operations. These principles are encapsulated into three main pillars:

PILLAR ONE is about the State Duty to Protect human rights, by creating the appropriate legal, policy and structural environment that enhance the enjoyment of rights in a business context;

PILLAR TWO is about Corporate Responsibility to Respect human rights, by adopting due diligence mechanisms and refrain from causing human rights harm, and

PILLAR THREE is about Access to Remedy for human rights harm, by ensuring aggrieved persons are able to seek redress through judicial and non-judicial mechanisms, provided by either the state or the business;

Since the endorsement of these Principles, National Human Rights Institutions (NHRIs) across the globe have been pivotal in ensuring that they are implemented in their respective countries. The Human Rights Commission of Sierra Leone (HRCSL), therefore, being one such NHRI, commenced implementation of the UNGPs as part of the fulfillment of its mandate of protecting and promoting human rights in the country. The HRCSL also drew its strength from the Edinburg Declaration of 2010 and the Yaoundé Declaration of 2011 for Africa NHRIs, where in both occasions efforts were made to identify the role of NHRIs towards businesses upholding human rights in their operations. Also, in the just concluded conference of the Global Alliance of National Human



Rights Institutions (GANHRI) in Geneva 6th – 8th May 2024, there was a further call for “NHRIs to redouble efforts on business and human rights”.

After the 11 years’ civil war, Sierra Leone began experiencing influx of foreign direct investment (FDI) and other businesses, triggered by the country’s policy on “Ease of Doing Business”, starting from 2009 and onwards. With this increase in the activities of FDI in the country, the HRCSL noted a mixture of positive and negative impacts in the enjoyment of human rights by people. Due to the negative impacts experienced by different sectors of the population led to increase in the number of business and human rights related complaints directed to the Commission.

As a response to this emerging trend, HRCSL, in 2013 developed monitoring tools (Guidelines for Monitoring Business and Human Rights in Sierra Leone) to track compliance and assess the business and human rights situation in the country. In 2015, the Commission (with support from UNDP) also developed a training manual on business and human rights to build on the knowledge capacity of all stakeholders in the subject matter. In 2016, the Commission further established the Business and Human Rights Unit to specifically focus on human rights issues associated with the operations of companies and other businesses in the country and to report accordingly. This Unit was earlier in 2021 transformed into a full-blown directorate (Directorate of Business and Human Rights and Labour Relations) which has been engaging in monitoring of activities of companies across the country, conducting capacity training sessions and public education for selected companies, CSOs, MDAs and members of host communities. The Commission had also undertaken two assessment surveys on the business and human rights situation in the country in 2017 and 2021 respectively. In 2017, the Commission organized an Annual Conference on business and human rights, with the theme “Building a Culture of Human Rights within the Business Community in Sierra Leone”, one of the outcomes of which led to the creation of a Steering Committee for the development of a National Action Plan (NAP) on business and human rights for Sierra Leone. Later in 2022, (with support from UNDP and Irish Embassy) the Commission in collaboration with the Office of the Attorney General (AG), restarted the process of developing a draft National Policy on BHR that will later lead to a NAP. The draft Policy which is expected to deepen commitments of government Ministries, Departments



and Agencies (MDAs) and other stakeholders in the implementation of the UNGPs in the country, is now submitted to the AG's Office, awaiting Cabinet Approval and for onward implementation.

Drawing from the above, it is now important to note that Sierra Leone continues to make progress in the implementation of the UNGPs through government recent adoption of progressive policies, laws and structural reforms in the investment, employment, land tenure governance, environment, agriculture and other related sectors that support responsible business operations. This resonates with the country's international and regional human rights obligations under the United Nations (UN), African Union (AU) and the Economic Community of West African States (ECOWAS), including other Bilateral and Multilateral trade initiatives, processes and frameworks like African Continental Free Trade Agreement (AfCFTA), African Mining Vision (AMV), ECOWAS Mining Directives, Extractive Industries Transparency Initiatives (EITI), the Kimberly Process and Development Finance Institutions (DFIs) like the World Bank (WB) International Finance Cooperation (IFC) and the African Development Bank (ADB) etc. It is also part of the country's adherence to the calls made during the First and Second African Forum on BHR in Accra and Addis Ababa (2022 and 2023), for African states to make progress in the implementation of the UNGPs and the ultimate development of NAPs in their respective countries.

It is therefore hoped that with the stage already set and a NAP underway, Sierra Leone is on the move to become a destination for responsible business operations where human rights are protected and respected and thus leading to a boom in investment and win-win situation.

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HUMAN RIGHTS COMMISSION OF SIERRA LEONE