Book Review Symposium: Advancing Business and Human Rights Scholarship in Africa

By:

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Dr Oyeniyi Abe's book, *Implementing Business and Human Rights Norms in Africa: Law and Policy Interventions* is the foremost and authoritative text on the contentious question of the critical connections between business and human rights, and the implementation of socially responsible norms in Africa. The lucidity of the book derives significance from the clear and logical articulation of the various pathways developing countries can leverage huge abundance of natural and human resources for sustainable development. Abe's book, therefore, serves as a critical expose of legal, institutional, and policy discourses established by states, and corporate entities to safeguard implementation of socially responsible norms. Abe's systematic exploration of the global challenges confronting companies and how they are responding to those challenges provides a clear roadmap towards achieving the full implementation of the UN Guiding Principles of Business and Human Rights (UNGPs) in Africa.

The book provides a comprehensive analysis about the three of the bigger implementing countries analysing legal and institutional framework of business and human rights laws in Nigeria, Kenya and South Africa, articulating the key challenges with irresponsible business conduct that these three countries have seen and some of the legislative responses to the challenges. Some of these responses are understandably incoherent due to varied political and structural corporate establishments in these countries. However, the book was able to find some level of coherence in the regulatory differences, applying an in-depth understanding of the practical challenges corporate activities in Africa face, and produce an invaluable compendium of facts, and analysis on business and human rights in Africa.

The book covers core principles of a rights-based approach to resource governance and management. It discusses the principle of local community participation and consultation as triggers for obtaining social legitimacy of development projects and clarifies the procedural aspects of the consultation and participation principles within the African human rights system. For example, Dr. Abe, argues for the heightened role of custodians of community mores and cultures and the transparent conduct of these consultations. Furthermore, the book provides a basis to reflect on the nature of the postcolonial state in Africa. How the existential neoliberal states continue to perpetuate the weak institutional structure, rule of law challenges, lack of implementation capacity, complicating access to remedies for victims of corporate induced human rights. The dominant economic model has led to fragile states in Africa making it easier for corporate capture and the lack of corporate respect for human rights.

While there has been increasing literature on business and human rights at the global level, what has remained absent over the years is an in-depth scholarly analysis of corporate induced human rights violations in Africa despite significant irresponsible business conduct in Niger Delta (Nigeria), mining activities in South Africa, and challenges associated with land rights in the oil and gas sector in Kenya. The existential gap in Africa’s business and human rights literature appears to have been filled by Dr. Abe’s book.

The UN Working Group on Business and Human Rights seeks to facilitate the effective implementation of the UNGPs. This book offers a rich source of

academic analysis that will guide not only the work of the Working Group but provide scholars with the needed tools to solve intractable problems associated with corporate practices. Furthermore, the Working Group has released a roadmap for the next decade which contains eight action items. Dr. Abe's book effectively articulates these action items in a way that generates broader conversations on business and human rights scholarship in Africa. For example, chapter 1 broadly discusses the nature, scope and content of UNGPs and its applicability to African context. Chapters 4 to 6 examines the states duty to protect, corporate responsibility to respect human rights, access to remedies, and stakeholder engagement. Chapter 10 highlights the future of business and human rights in Africa, leveraging on adaptive change, continental cooperation and forward-looking approach. Additionally, the Working Group roadmap tries to achieve three basic things. First, coherence across regions and sub-regions in articulating business and human rights. For example, the EU recently adopted a proposal for a Directive on corporate sustainability due diligence, while the European Parliament recently voted in favour of the proposed directive that will mandate human rights and environmental due diligence requirements on companies.

African states need to adopt a holistic and coherent legal regime to address effects of corporate activities in line with the dicates of the UNGPs. Second, there must be increased commitment in national approaches. As discussed in this book, only two African countries currently have a National Action Plan (NAP) on Business and Human Rights – Kenya and Uganda. More countries should release NAPs and legislation that clarifies what responsible business enterprises should do in all aspects of their operations. This book fills the gap in this regard. In addition to NAPs, academic scholarship like Dr. Abe's book facilitates business and human rights education in Africa. It serves as a prelude to the design, and development of course content on business and human rights in Africa and by collaborating with agencies and institutions in the Global North that have already developed such courses to see how Africa can have a broad-based education on this topic. Third, creating impact has been at the forefront of scholarship. The discussions and recommendations proffered in this book will lead to improved conditions at the local levels. When states protect human rights, and implement sustainable business principles, remonstrations at the local level are drastically reduced. Adopting and implementing business

and human rights principles will lead to improved conditions of life at the local levels - good working conditions, respect for the rights of women and other vulnerable groups in Africa, protection of the environment, safeguarding the rights and welfare of children, rights-based approach in the supply chain, and ethical procurements.

Dr Abe's book, written with aptness and courage, is a veritable source of reference for policy makers, politicians, and human rights activists as well as development experts engaged in resource governance and management. This book touches on the apparent chasm between principles, law and practice whilst highlighting the multifarious challenges hindering Africa from benefitting from its natural resources in the same way as other developed economies. The book could not have come at a better time than now for Africans to begin the process of decolonizing their natural resources to enhance the realization of the right to development on the continent as envisaged in the African Charter on Human and Peoples' Rights. The book also highlights the importance of transition to a green economy and how corporate activities can promote and sustain such transition. It is a refreshing, compelling and authoritative work that will be relevant for many years to come.

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