Book Review: Implementing Business and Human Rights Norms in Africa (Routledge 2022) by Oyeniyi Abe

By:

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Abe's book discusses the challenges associated with the utilisation of business and human rights principles in development projects in Africa using South Africa, Kenya and Nigeria as case studies. The author uses the United Nations Guiding Principles on Business and Human Rights (UNGPs) as a benchmark in making a case for human rights approach in the implementation of development projects in Africa. The author highlights the legal challenges of business and human rights in the extractive industry while underscoring the increasing significance of the implementation of a human rights approach in corporate governance regimes in the spotlighted nations. Many economies in Africa are heavily dependent on telecommunication, energy, extractives and the financial industries. Corporations in these industries often undertake activities with significant social, environmental and human rights implications.

The book makes a case for a human rights approach to developmental governance. Abe notes that while natural resources constitute a major source of tax and exports revenue for Africa, they also present both developmental challenges and prospects. He argued that the resources that could have been a veritable source of economic growth have often led to violent conflicts while fostering socio-economic inequalities in resource rich countries. He further notes that what makes the difference between countries that use their natural resources to foster sustainable human development and countries that grossly mismanage such resources is the effective utilisation of relevant rules and regulations. Rights based approach to development contracts has indeed become part of the measures for the integration of environmental and human rights standards into development project contracts.

In analysing and examing various international and African human rights legal instruments, the book accentuates the fact that the 2018 Framework Principles on Human Rights and the Environment enjoins non-state actors to be committed to protecting and fulfilling human rights obligations in relation to the enhancement of safe and sustainable environment. The African Union's 2012 Resolution on a Human Rights-Based Approach to Natural Resource Governance and the African Union's Agenda 2063 are also both instruments that underscore the need for state and non-state actors to respect and protect human rights in undertaking their activities and states have an obligation to put in place judicial and administrative mechanisms to ensure full compliance with such obligations. The author makes a case for the implementation of strong regulatory measures that impose real sanctions for the violation of human rights obligations by businesses. Multinational corporations (MNCs) have been largely involved in human rights violations across Africa. Air and environmental pollution resulting from the exploitation of natural resources in African countries has been an issue of major concern for decades and not much has been done to in terms of pragmatic and effective measures that may bring succour to the vulnerable populations whose rights continue to be egregiously abused by profit driven corporate activities.

The book acknowledges the fact that African countries have governance challenges with high level of corruption, political instability and difficulties enforcing law and order. The author observes that the contemporary business and human rights narrative fails to take cognisance of the peculiarities of the

existing legal and political landscape in Africa. The author notes that contemporary business and human rights discourse presupposes the existence of state mechanisms for promoting corporate social responsibility. Many African countries however have weak legal and regulatory frameworks for ensuring strong compliance with corporate governance obligations. Thus, the book highlights cases of human rights violation by non-state actors including oil spillage and environmental degradation by Shell in Nigeria as well as complicity in the use of security forces to commit atrocities such as rape, torture and murder in Ogoniland in Nigeria. With respect to South Africa, the author highlights the gross impoverishment of vulnerable citizens through poor labour standards by Lonmin a British company and the use of law enforcement agents by the company to brutally supress industrial actions and protests by workers. Abe's book highlights the challenges of the South African state in generating a positive outcome from the exploration of natural resources, especially from mining. With respect to Kenya, the author places a spotlight on how the Lake Turkana Wind Power Project Company failed to take cognisance of the human rights impact of its activities and the protection of the interests of indigenous communities in its areas of operation in conducting its 2006 and 2011 environmental and social impacts assessment. The author thus makes a case for the adoption of rights based approach designed to ensure compliance with social, environmental and human rights standards in the pursuit of sustainable development.

In exploring strategies for incorporating rights-based approach to sustainable development, the author argues that African countries should put mechanisms in place for the effective administration of justice. This book highlights the importance of having strong legal and regulatory frameworks for corporate governance to ensure corporations are accountable and liable for human rights violations resulting from their activities. Abe observes that the integration of human rights into business will enhance compliance with human rights obligations in African development projects, and the adoption of a rights-based approach will significantly enhance the sustainable development of extractive and energy resources in Africa. The book is a brilliant contribution to the literature on business and human rights in Sub-Saharan Africa. The focal countries represent not only some of the biggest economies in their respective regions but also the strongest economies in Sub-Saharan Africa as a whole. The

book highlights the challenges of human rights violation in the implementation of development projects while lucidly mapping out clear and feasible options for implanting rights-based approach in the design and implementation of such contracts.

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