



Fostering NHRI Engagement with the Business Community:

A Case Study of the Independent National Commission on Human Rights of Liberia

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Introduction

In the past years, the Independent National Commission on Human Rights (INCHR) has been working to contextualise the United Nations Guiding Principles on Business and Human Rights (UNGPs) in Liberia. For example, the INCHR has launched programmes focusing on meeting with local authorities and other stakeholders to present the UNGPs² in the context of Liberian laws.

According to interviews from the private sector, many businesses tend to have a limited understanding of existing business and human rights (BHR) frameworks. As a consequence, one of the interviewed private sector stakeholders has launched a platform with the participation of local BHR consultants, workers and government stakeholders for its members to improve their understanding of BHR principles.

Furthermore, the need for businesses to respect human rights was picked up

by the National Investment Commission that has introduced environmental and social responsibility clauses in concession agreements for stakeholders wishing to invest in the country. These clauses are specifically limited to Concession Agreements entered into between the Government of Liberia and the Concession Companies. One of the interviewees from the private sector explained that these are standard clauses enshrined in many memoranda of understanding usually entered into between Investment Incentive Beneficiaries, Concessionaires and the Government of Liberia. According to representatives from the INCHR and the Liberian private sector, the clauses state that the investor must commit to rule of law standards, which entail protecting and promoting human rights; the sponsor must take responsibility to not be complicit in human rights abuses and pledge to eliminate all forms of discrimination and improve working conditions.

The National Investment Commission is working with the government to reinforce the implementation of these clauses in future agreements or amendments in order to guide the state in fulfilling its duty to protect individuals and communities from business-related human rights abuses and to guide businesses on measures to protect and respect human rights in their operations.



² Human Rights Council (2011), 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', A/HRC/17/31.

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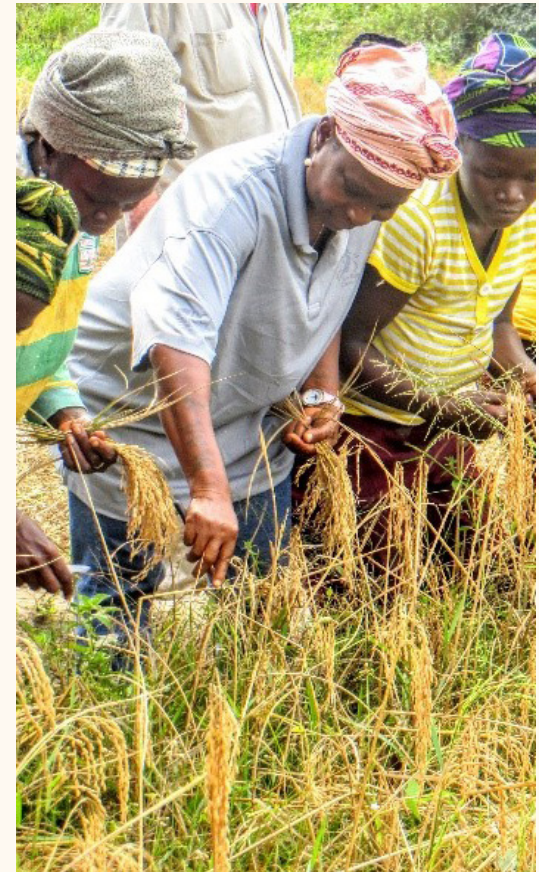
The INCHR's justification for the need to foster deeper engagement with the business community

The INCHR began engaging with the business community for two main reasons. Firstly, through its assessment of the BHR situation in Liberia, the Commission determined that engaging with businesses is key to achieving the objective of ensuring that businesses respect human rights. The INCHR developed its activities based on the rationale that if the right information is transmitted to businesses, accompanied by building companies' understanding of the goal of BHR, then business buy-in for human rights respect would be fostered, thereby contributing to the implementation of the UNGPs.

A second reason for engaging with the business community is that the INCHR understands that contextualising BHR frameworks to Liberia's major industries and legal and policy frameworks is fundamental to have businesses be a driving force for developing a National Action Plan on Business and Human Rights (NAP).



*engaging businesses
is key to achieving the
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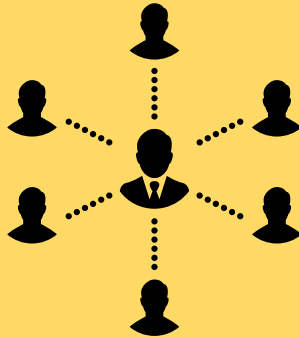


Relevance of the NHRI's BHR engagement in the context of BHR frameworks

Engagement between the INCHR and the business community in Liberia is not new. According to the INCHR, in 2019, the Ministry of Justice prepared a roadmap³ on BHR with the support of the INCHR, and hosted a national retreat bringing together small and medium-sized enterprises and businesses across every sector. Over the years, the INCHR has worked with business networks on awareness-raising, information-sharing and capacity-building activities related to BHR.

human rights in the context of business activities, thereby addressing Pillar I of the UNGPs. Additionally, in 2019, the INCHR held multi-stakeholder dialogues, this time focusing on raising awareness on remedy avenues to enforce Pillar III of the UNGPs in collaboration with the Ministry of Justice.

In addition to the UNGPs, when contextualising BHR principles, the INCHR has been careful to integrate all principles and instruments that Liberia has ratified, as well as the relevant national laws and obligations derived from international and regional frameworks. The Commission's work on BHR is organised around these principles and standards.



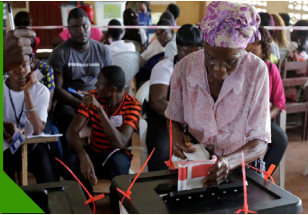
The INCHR developed its engagement with business stakeholders based on all the pillars of the UNGPs



The INCHR developed its engagement with business stakeholders with all three pillars of the UNGPs – the state duty to protect, the corporate responsibility to respect and access to remedy – in mind. In addition to engaging on the corporate responsibility to respect in general, the Commission has worked with the Ministry of Justice to promote awareness among different state actors of their duty to protect

³ On file with the authors.

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Transformational impact of engagement with the business community

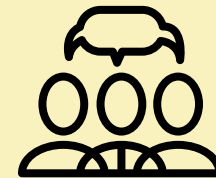


As mentioned above, by engaging with the business community and civil society organisations (CSOs), the INCHR seeks to accelerate BHR progress in Liberia, including the development of a NAP4. Specifically, the INCHR sees its engagement with businesses as a strong basis for the potential development of a national baseline assessment and NAP.

The INCHR has already seen positive changes following its engagement with specific businesses on an ad hoc basis. It reports that the companies that are the subject of inquiries following the reception of complaints by the INCHR generally adopt the human rights-based recommendations made by the NHRI, although these are not binding.

Additionally, the INCHR's involvement in BHR has further led to engagement with international agencies, such as the Office of the High Commissioner for Human Rights and the United Nations Development

Programme. To obtain support for its activities, the INCHR has also collaborated with various embassies, institutes and CSO platforms. The Commission has also engaged representatives of affected communities and major workers' unions across Liberia.



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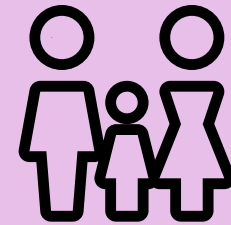


Human rights-based approach and gender lens

Human rights are at the heart of the INCHR's engagement with the business community. They are both the rationale and the standards and principles on which the Commission bases its approach.

The INCHR and a private sector stakeholder who were interviewed for this case study nurture a gender-sensitive approach when engaging with businesses. For example, the Chamber of Commerce's BHR policy, which must be signed by companies to become a member of the Chamber of Commerce, contains a clause requiring its members to respect gender-related rights. Additionally, the gender clause provides that a gender balance must be respected by companies when their representatives are invited to participate in events and dialogues. When engaging with the business community, the INCHR considers how women are and may be affected by a company's activities. The INCHR also fosters an intersectional approach striving to ensure that persons with disabilities are included and

meaningfully engaged by companies. The Commission also works to have businesses adopt policies on gender, disability and vulnerable groups.



...a gender balance must be respected by companies when their representatives are invited to participate in events and dialogues.





Resources, opportunities and challenges

In engaging the business community, the INCHR has noted a great opportunity in the willingness of business institutions to understand and adopt BHR. Contextualising BHR as a win-win situation for both local communities and businesses can be a strategy to permeate business activities and policy with BHR standards and practices. The interviewed private sector stakeholders noted the benefits of the INCHR's engagement with businesses: while companies were initially distrustful of BHR, subsequent to engagement they are more likely to see it is a possibility to foster partnerships where they can find common ground with other stakeholders. According to the INCHR, this has benefitted the Liberian BHR landscape and more specifically workers who find that businesses are more open to have constructive exchanges with human rights considerations.

Despite these opportunities, some difficulties persist. For example, before getting businesses on board with learning about and adopting BHR frameworks such as the UNGPs, it can be challenging to approach them. The term 'BHR' still remains an obstacle because it uses a human rights-based approach which may initially be perceived as antagonistic to businesses' activities. Similarly, involving government institutions in this work has not always been straightforward, as it requires robust awareness creation on BHR to obtain government buy-in and good will.

The lack of financial resources was also mentioned as a challenge for the INCHR to conduct its work in an autonomous manner. Hosting the participants for events involving business stakeholders and that are attractive to them can be difficult where there is a lack of logistical capacity. The technical capacity of the Commission's staff on BHR

also needs to be further developed to be able to document, report and provide detailed analyses on BHR, as well as engage with high-level stakeholders such as policy-makers, ministers, CEOs and so forth.

The need to strengthen the capacity of external actors tasked with implementing Liberia's local laws, including law enforcement agencies, was noted.

“ contextualizing BHR as a win-win situation for both local communities and businesses is a strategy to permeate business activities



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Lessons learnt and key takeaways for NHRIs in the region

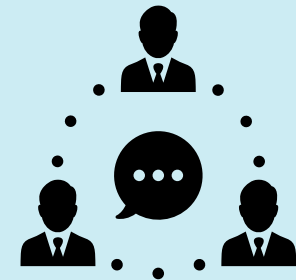
According to the interviewed stakeholders, a key takeaway from the INCHR's engagement with the business community is the importance of sharing and disseminating information and operating on the basis that businesses 'can do better if they know better'. According to a representative from the private sector, the effectiveness of the INCHR in that regard is a testament to the importance of creating opportunities for dialogue and learning exchanges.

Another lesson to draw from this example is the importance of networking and mobilising resources. The INCHR called for a true investment in BHR in Liberia, both in terms of finances and technical capacity.

CSO representatives interviewed noted that there is a need for the INCHR to strengthen its involvement of and engagement with CSOs on BHR. Additionally, it is

fundamental that the INCHR strengthens its institutional memory to ensure that the momentum on BHR work is sustained, even in moments of transition.

The INCHR itself continuously learns from its own engagement with the business community. According to the Commission, becoming involved in regional networks and sharing knowledge and experiences with other NHRIs should be encouraged. Recognising that there are differences between the NHRIs on the continent and across the different regions of Africa, important opportunities exist for learning from each other's expertise on BHR.



Businesses can do better if they know better

About this case study:

Fostering NHRI Engagement with the Business Community:

A Case Study of the Independent National Commission on Human Rights of Liberia

This case study focuses on Liberia's Independent National Commission on Human Rights' engagement with the business community as an example of how national human rights institutions (NHRIs) can engage in dialogue with the business community as part of promoting responsible business conduct.

This case study is part of a series of case studies focusing on engagement of national human rights institutions (NHRIs) in the African region on the topics of business and human rights and sustainable oceans. These short case studies have been conducted as a follow-up to the Network of African National Human Rights Institutions (NANHRI) member survey on Business and Human Rights & Sustainable Oceans¹, with the purpose of delving deeper into select NHRI activities, with a view to sharing learning among NANHRI members and stimulating dialogue among NHRIs on how they can apply their Paris Principles mandate in the areas of business and human rights and sustainable oceans. The survey was conducted as part of a collaboration between NANHRI and the Danish Institute for Human Rights (DIHR), made possible thanks to the support from the Swedish International Development Cooperation Agency (Sida).

This case study is based on five interviews with the representatives from the Independent National Commission on Human Rights, civil society organisations (CSOs), and private sector stakeholders who participated in virtual interviews which took place in the month of March 2022. The interviews followed a standardised interview guide and included tailored follow-up questions on the stakeholders' roles and interactions with each other. The content of this case study therefore reflects assessments made by the interviewees and does not necessarily represent the views of NANHRI or DIHR. The case study has been developed by Mercy Obonyo from NANHRI and Mathilde Dicalou from DIHR, with support from staff members of both institutions, and review by colleagues from the Independent National Commission on Human Rights of Liberia. We thank the interviewees for sharing their work and insights to develop this case study.

¹ NANHRI (2021), 'Member Survey on Business and Human Rights & Sustainable Oceans', <https://www.nanhri.org/wp-content/uploads/2022/02/NANHRI-Member-Survey-on-Business-and-Human-Rights-Sustainable-Oceans.pdf>



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