

COMMEMORATING A DECADE OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

INTRODUCTION

On 16th June 2011, the United Nations (UN) Human Rights Council by Resolution endorsed the UN Guiding Principles on Business and Human Rights (UNGPs). These UNGPs are a set of guidelines that apply to businesses and governments and require them to respect and promote human rights in the context of business activities.

The UNGPs are built on three pillars: the legal duty of governments to protect individuals from the negative human rights impacts of business activities; the responsibility of business enterprises to respect human rights; and the need to ensure access to remedies for victims of the negative human rights impacts of business activities.

This year, the UNGPs made a decade in existence, presenting a unique opportunity to gauge their gains and shortcomings whilst devising resolutions for the next decade with specific reference to the case of Uganda. The timing is also apposite given that Uganda has now embarked on the active stage of the oil exploitation process having executed key agreements in April and May of this year. The oil production and exploitation process will have a significant growth impact on the business sector and in so doing possibly exacerbate the adverse human rights effects of business activities. It is therefore important that the focus and efforts on implementing the UNGPs in Uganda be doubled.

UCCA also acknowledges that the COVID-19 Pandemic has and continues to expose the deleterious effects of placing profit before human rights considerations as is visible within the private health sector in Uganda today, where the costs of treating COVID-19 are unnecessarily exorbitant. In this regard, it is clear that the Government and private health facilities operating under a business model have failed to inculcate a human-rights-based approach to offering affordable healthcare. These and more events require serious collective consideration and addressing if business activities are to be made human rights compliant in Uganda.

PROGRESS AND WAY FORWARD

In terms of progress vis-à-vis the UNGPs, UCCA has been pivotal in popularizing the UNGPs in Uganda¹ and is honoured to have been a part of the conceptualisation and development of the National Action Plan (NAP) on Business and Human Rights.

UCCA acknowledges that Uganda is in the final stages of officially unveiling the NAP in line with the recommendations of the UN Working Group on Human Rights and Transnational Corporations and other Business Enterprises. This National Action Plan will act as a strategic guide for the implementation of the UNGPs and will complement national laws and binding international treaties that support the protection and promotion of human rights, especially in the context of business activities. The implementation of this NAP is also mandated by Uganda's third and latest National Development Plan (NDP III). Once unveiled and if implemented, the NAP will improve human rights compliance within the business sector.

However, beyond policy statements and strategies, it is imperative that governments also continue to develop and implement concrete laws and treaties that place express responsibilities on businesses, government entities and officials to respect human rights, and also create effective remedies for redress. Therefore, Government should review the Investment legal framework to provide for Human Rights Impact Assessments of all Investment Projects.

UCCA also urges business enterprises to follow the UNGPs and human rights law in their activities. To this end, UCCA is available to advise any and all entities interested in conducting a human rights compliance audit of their activities and receiving advice on how to become more compliant with the UNGPs.

We are hopeful that the next decade of the UNGPs will offer a chance to continue effecting meaningful changes in the way that business activities are conducted so as to become more compliant with human rights, including in terms of digital, environmental and anti-discrimination rights amongst many others.

¹ <https://ucca-uganda.org/wp-content/uploads/2020/03/Final-Copy-of-the-UNGPs-Brief-.pdf>

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