United Nations Guiding Principles on Business and Human Rights: Incorporating the Ideal into National Legal Systems in Africa for Justice

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Abstract

This paper examines how the United Nations (UN) Guiding Principles on Business and Human Rights can be used as basis for effective protection of human rights in Africa towards Sustainable Development. The paper notes that it has become increasingly vital to protect human rights in Africa due to the negative impacts of business activities on people and planet. The paper discusses how corporations are fuelling violation of human and environmental rights in Africa. Consequently, the paper notes that the UN Guiding Principles on Business and Human Rights provide a tool that can be utilised to strengthen corporate respect for human rights both globally and in Africa. In order to achieve this ideal, the paper suggests how the UN Guiding Principles on Business and Human Rights can be effectively incorporated into national legal systems in Africa for justice and Sustainable Development.

1.0 Introduction

The pursuit of Sustainable Development is intrinsically linked to the protection of human rights. It has been observed that human rights are central towards achieving Sustainable Development agenda since they are a necessary foundation for a peaceful, prosperous and sustainable world[1]. It addition, it has been argued that achieving the Sustainable Development agenda requires a human rights-based approach[2]. The protection of human rights in relation to life, health, culture and living standards is central to any social, environmental or economic programmes within the Sustainable Development agenda[3]. Without universal respect, implementation, and protection of human rights, it is impossible to build just, inclusive, and equal societies as envisaged under the 2030 Agenda for Sustainable Development[4].

[1] United Nations Development Programme., 'Human Rights for Sustainable Development' Available at https://www.undp.org/rolhr/publications/human-rights-sustainable-development (Accessed on 17/11/2026)

[2] International Institute for Environment and Development., 'Environment and Human Rights: A New Approach to Sustainable Development' Available at https://www.iied.org/sites/default/files/pdfs/migrate/11016IIED.pdf (Accessed on 17/11/2026)

[3] Ibid

[4] United Nations Development Programme., 'Human rights as a foundation for Sustainable Development' Available at https://www.undp.org/kazakhstan/blog/human-rights-foundation-sustainable-development#:~:text=Human%20rights%20are%20the%20foundation,%2C%20inclusive%2C%20and%20equal%20society (Accessed on 17/11/2026)

The *2030 Agenda for Sustainable Development*[5] recognizes the role of human rights in fostering peaceful and prosperous living[6]. It envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity[7]. The 2030 Agenda is grounded in international human rights treaties including the *Universal Declaration of Human Rights (UDHR)*[8], the *International Covenant on Civil and Political Rights (ICCPR)*[9], and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*[10].

However, the protection of human rights remains an elusive global ideal undermining progress towards Sustainable Development. For example, challenges such as discrimination, marginalisation, inequalities within and among nations, wars and conflicts, racism, sexism and intolerance continue to persist all over the world undermining the attainment of human rights[11]. In addition, unsustainable corporate activities are fuelling violation of human rights both globally and in Africa[12]. Consequently, there is need to strengthen protection of human rights both globally and in Africa towards peace, justice and Sustainable Development.

This paper examines how the United Nations (UN) Guiding Principles on Business and Human Rights can be used as basis for effective protection of human rights in Africa towards Sustainable Development. The paper notes that it has become increasingly vital to protect human rights in Africa due to the negative impacts of business activities on people and planet. The paper discusses how corporations are fuelling violation of human and environmental rights in Africa. Consequently, the paper notes that the UN Guiding Principles on Business and Human Rights provide a tool that can be utilised to strengthen corporate respect for human rights both globally and in Africa. In order to achieve this ideal, the paper suggests how the UN Guiding Principles

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[5] United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf (Accessed on 17/11/2026)

[6] Ibid

[7] Ibid

[8] United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). New York: United Nations General Assembly, 1948

[9] United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966

[10] United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966

[11] United Nations Population Fund., 'Advancing Equity and Social Justice for People of African Descent' Available at https://www.unfpa.org/advancing-equity-and-social-justice-people-african-descent (Accessed on 17/11/2026)

[12] Sozinova. A et al, 'Economic Environmental Activities of Russian Corporations' *International Journal of Economics and Financial Issues,* Volume 6, Issue 1, 2016, p. 52-56.

on Business and Human Rights can be effectively incorporated into national legal systems in Africa for justice and Sustainable Development.

2.0 Impact of Businesses on Human Rights in Africa

The activities of corporations are fuelling grave human rights concerns both globally and in Africa. It has been observed that in the modern global economy, business enterprises have immense power to influence policies which can result into the violations of human rights[13]. In addition, there have been cases where human rights violations arise directly from unsustainable business conduct and operations[14].

While corporations have the potential to promote human rights through policies and practices that drive economic growth, social equity and environmental protection, unsustainable corporate activities are also one the major drivers of human rights abuses all over the world. On the positive side, businesses contribute towards achieving human rights and Sustainable Development by providing goods and services, financing social and economic investments through taxes, and creating innovative solutions including green technologies to help tackle development challenges[15]. Businesses are also contributing towards meeting the social pillar of sustainability through greater emphasis on corporate social responsibility[16].

However, on the other hand, unsustainable business activities are increasingly driving human rights abuses. For example, it has been observed that the exploitation of workers by corporations abuses the rights to decent, just and favourable conditions of work as well as the rights not to be subjected to slavery or forced labour[17]. Further, there have been cases where businesses have profited from child labour undermining the fundamental rights of the child including the right to education[18]. In addition, there have been instances where vulnerable communities have been exposed to toxic chemicals and pollution from business activities impacting the rights to life, safe and clean water, and the right to a clean, healthy and sustainable environment[19].

Through effective, inclusive and sustainable policies, the activities of businesses can be a powerful driver of Sustainable Development, offering access to social and economic

[13] Kenya National Commission on Human Rights., 'Business and Human Rights' Available at https://www.knchr.org/Our-Work/Business-and-Human-Rights (Accessed on 17/11/2026)
[14] Ibid
[15] Ibid
[16] The Role of Business in Sustainable Development., Available at https://aaeafrica.org/uganda/the-role-of-business-in-sustainable-development/ (Accessed on 17/11/2026)
[17] Why Business and Human Rights are Connected., Available at https://geneva.fes.de/news/why-business-and-human-rights-are-connected.html (Accessed on 17/11/2026)
[18] United Nations Development Programme., 'Business and the SDGs' Available at https://www.undp.org/sdg-accelerator/business-and-sdgs (Accessed on 17/11/2026)
[19] Ibid

opportunities and a pathway to prosperity[20]. However, on the other hand, the actions of business enterprises can also affect human rights especially for the most vulnerable[21]. It has been observed that the activities of businesses can violate human rights including through use of forced and child labour[22]; polluting the environment therefore affecting the right to a clean, healthy and sustainable environment[23]; and failure to implement appropriate health and safety standards leading to long-term negative impacts on workers' health[24].

In particular, corporations are fuelling grave human rights violations in Africa. The activities of corporations are impacting human rights across labour, land the environment among other areas. For instance, corporate activities in mining, manufacturing and agriculture have been linked to poor working conditions, unfair wages and child labour undermining fundamental labour standards[25]. Further, large scale land acquisition to support corporate activities including extractives has been a major cause of human rights abuses including land injustices against indigenous and local populations[26]. Further, extractive and industrial activities in Africa are a key threat to the right to a clean, healthy and sustainable environment due to cases such as environmental degradation, biodiversity loss, and pollution[27].
Unsustainable corporate activities are therefore a major source of human rights abuses both globally and in Africa. Consequently, there is need to corporate respect for human rights in Africa towards Sustainable Development.

3.0 Utilising the United Nations Guiding Principles on Business and Human Rights to Promote Corporate Respect for Human Rights

The activities of corporations are affecting a broad range of human rights. Consequently, the concept of business and human rights has emerged with the goal of defining and holding corporations accountable for their adverse impacts on human rights[28]. Business and human rights recognises that the responsibility for human rights abuses has transitioned from a purely state

[20] United Nations Development Programme., 'Business and Human Rights' Available at https://www.undp.org/rolhr/business-and-human-rights (Accessed on 17/11/2026)
[21] Ibid
[22] UN Guiding Principles Reporting Framework., 'How Can Businesses Impact Human Rights?' Available at https://www.ungpreporting.org/resources/how-businesses-impact-human-rights/ (Accessed on 17/11/2026)
[23] Ibid
[24] Ibid
[25] United Nations Environment Programme., 'Critical Energy Transition Minerals' Available at https://www.unep.org/topics/energy/renewable-energy/critical-energy-transition-minerals (Accessed on 17/11/2026)
[26] Ajibade, L.T & Awomuti, A.A. 'Petroleum Exploitation or Human Exploitation? An Overview of Niger Delta Oil Producing Communities in Nigeria' *African Research Review* Vol. 3 (1), 2009. Pp. 111-124
[27] Ibid
[28] Kenya National Commission on Human Rights., 'Business and Human Rights' Op Cit

obligation to also being the responsibility of businesses[29]. This idea focuses on the corporate responsibility for human rights abuses, and on effective access to remedies for those adversely impacted by business activities on human rights[30].

The *UN Guiding Principles on Business and Human Rights*[31] have been adopted as a major development in the quest towards upholding corporations liable for their human rights abuses. The Principles are grounded in recognition of States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms; the role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and the need for rights and obligations to be matched to appropriate and effective remedies when breached[32]. In particular, the Guiding Principles mandate States to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises[33]. This involves taking appropriate steps to prevent, investigate, punish and redress human rights abuses by corporations through effective policies, legislation, regulations and adjudication[34].

The UN Guiding Principles on Business and Human Rights also enshrine corporate responsibility to uphold and protect human rights. The Principles urge businesses to avoid infringing on the human rights of others while also putting in place measures to address adverse human rights impacts with which they are involved[35]. In order to fulfill their human rights obligations, the Guiding Principles urge businesses to avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts[36]. The UN Guiding Principles provides approaches through which businesses can fulfill their human rights obligations. These include a policy commitment to meet their responsibility to respect human rights; a human rights due diligence process (HRDD) to identify, prevent, mitigate and account for how they address their impacts on human rights; and processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute[37].

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[29] McCorquodale. R., 'Business and Human Rights' Available at https://academic.oup.com/oxford-law-pro/book/57645 (18/11/2026)
[30] Ibid
[31] United Nations Guiding Principles on Business and Human Rights., Available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf (Accessed on 18/11/2026)
[32] Ibid
[33] Ibid
[34] United Nations Guiding Principles on Business and Human Rights., Op Cit
[35] Ibid
[36] Ibid
[37] Ibid

Access to adequate and effective remedies is also a key theme under the UN Guiding Principles towards upholding corporate responsibility for human rights. In order to achieve this goal, the Guiding Principles require States, as part of their duty to protect against business-related human rights abuse, to take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to adequate and effective remedies[38]. These remedies include judicial mechanisms, administrative processes, and collaborative and dialogue-based or other culturally appropriate and rights-compatible processes[39].

The UN Guiding Principles on Business and Human Rights are therefore fundamental in promoting corporate respect for human rights. The Guiding Principles have been described as the world's most authoritative, normative framework guiding responsible business conduct and addressing human rights abuses in business operations and global supply chains[40]. Adopting the Guiding Principles is therefore key towards strengthening corporate respect for human rights. For example, it has been observed that the UN Guiding Principles on Business and Human Rights provide an effective framework towards preventing, addressing and remedying human rights abuses committed in business operations[41]. It has been observed that the Guiding Principles apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure and therefore provide a universal approach towards ensuring corporate respect for human rights[42].

With Africa facing alarming rates of human rights abuses perpetuated by corporations, is imperative to incorporate the UN Guiding Principles on Business and Human Rights into national legal systems for justice. In particular, there is need to strengthen corporate governance laws and policies across Africa in order to ensure that the activities of corporations uphold human rights through sustainable business practices that take into account all stakeholders including workers, communities and the environment[43].In addition, African States can utilise HRDD frameworks to effectively incorporate the UN Guiding Principles on Business and Human Rights into national legal systems. HRDD are legal tools that require companies to actively assess,

[38] Ibid
[39] Ibid
[40] Ibid
[41] Business and Human Rights Centre., 'UN Guiding Principles' Available at https://www.business-humanrights.org/en/big-issues/governing-business-human-rights/un-guiding-principles/ (Accessed on 18/11/2026)
[42] United Nations Guiding Principles on Business and Human Rights., Op Cit
[43] African Union., 'African Principles and Guidelines on Corporate Governance: a Framework for a Competitive, Resilient and Inclusive Private Sector' Available at https://aprm.au.int/sites/default/files/files/2025-02/guidelines-corporate-governance.pdf (Accessed on 18/11/2026)

mitigate, and address human rights impacts in their activities[44]. Through mandatory HRDD, corporations are legally mandated to proactively identify negative human rights impacts connected to their supply chains and then implement corrective actions towards promoting and protecting human rights for sustainability[45]. It has been argued that there is need for legally binding measures to protect human rights in business activities through legal frameworks providing for mandatory HRDD since voluntary measures continue to leave significant gaps in human rights protections[46]. Consequently, there is need for African countries to put in place legal frameworks that provide for mandatory HRDD towards strengthening corporate respect for human rights.

Strengthening access to justice is also key towards effectively incorporating the UN Guiding Principles on Business and Human Rights into legal systems in Africa. In order to achieve this goal, it is imperative to utilise both formal and informal channels. For instance, through formal judicial processes, courts can issue binding judgments and develop jurisprudence that can guide the concept of business and human rights both globally and in Africa[47]. In addition, through informal processes such as negotiation and mediation, corporations can collaborate with aggrieved parties towards coming up with mutually-satisfactory and long-lasting outcomes that both protect business interests while ensuring effective, affordable and appropriate access to justice for affected parties[48].

[44] Transparency International Kenya., 'Human Rights Due Diligence Framework and Guidelines Toolkit (HRDD Toolkit)' Available at https://tikenya.org/2025/04/03/human-rights-due-diligence-framework-and-guidelines-toolkit-hrdd-toolkit/ (Accessed on 18/11/2026)

[45] Hess. D., 'Mandatory Human Rights Due Diligence Legislation: Embeddedness, Compliance, and Enforcement' Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5404664 (Accessed on 18/11/2026)

[46] Office of the United Nations High Commissioner for Human Rights., 'Mandatory human rights due diligence (mHRDD)' Available at Available at https://www.ohchr.org/en/special-procedures/wg-business/mandatory-human-rights-due-diligence-mhrdd (Accessed on 18/11/2026)

[47] United Nations Guiding Principles on Business and Human Rights., Op Cit

[48] Forget Litigation & Arbitration: Why Mediation is the Best Option for Resolving Business Disputes., Available at https://cenkuslaw.com/forget-litigation-arbitration-mediation-best-option-resolving-business-disputes/ (Accessed on 18/11/2026)

4.0 Conclusion

With the activities of corporations impacting human rights both globally and in Africa, the idea of business and human rights has emerged as a key solution towards protecting people and planet from the negative impacts of businesses. The UN Guiding Principles on Business and Human Rights provides a global framework through which the ideal of business and human rights can be achieved for Sustainable Development. Consequently, there is need to incorporate this ideal into national legal systems in Africa by strengthening corporate governance frameworks, utilising mandatory HRDD and promoting access to justice through formal and informal processes in order to promote the business and human rights agenda for justice and sustainability.

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