Oldscholar

BUSINESS AND HUMAN RIGHTS IN NIGERIA: ASSESSING THE IMPLEMENTATION OF THE UN GUIDING PRINCIPLES AND NATIONAL ACTION PLAN

*IMOBAN TERYILA ISAAC, ESQ**

Abstracts

The activities of businesses are very core and fundamental to driving a sustainable development in society by offering access to social and economic opportunities and a pathway to development progress. However, the actions of business enterprises can as a matter of fact affect human rights, and those most affected are often among the most vulnerable. The purpose of this paper is to examine the relationship between human rights and business in Nigeria by assessing the implementation of the UN guiding principles and the national action plan. This paper further examines the essence of entrenching and or observing human right principles in all business environments as well as the challenges and prospects adopting doctrinal method using primary and secondary sources. The paper finds out that, as lofty as the provisions UN guiding principles and national action plan, implementation is the major challenge leaving everything on paper and in fact, ineffective. This paper challenges all and sundry to champion the course of implementation of all the provisions of the UN guiding principles and the nation action plan. The paper recommends that, human rights are inalienable, interdependent, interrelated and indivisible and as such should be entrenched in business enterprises for a sustainable world.

Key Words: business environments, Guide, Principle, and Human Rights.

1. Introduction

Business activities impact the lives of millions of people globally. They can be a powerful driver of sustainable development, offering access to social and economic opportunities and a pathway to prosperity. However, the actions of business enterprises can affect human rights, and those most affected are often among the most vulnerable.[1]

Recently, the UN Guiding Principles on Business and Human Rights[2] was brought to being as a most authoritative and widely adopted set of principles for both organised and unorganised businesses which was endorsed in the year 2011. The document[3] reckon on both governments and companies to identify, prevent, mitigate and remedy actual and potential human rights abuses. The principles[4] are not only a guide to help businesses respect human rights in their

*LLB (BSU), BL(YOLA) LLM (INVIEW UNEC), A legal practitioner with office at Louis M Alozie, SAN & Co, Equity Chambers, Opp. Royal Reception Hotels, World Bank/Umuguma Road, Area New D, Owerri, Imo State, Nigeria. PHONE NO: 07067765968 EMAIL ADDRESS:imobanteryilaisaac@gmail.com.

[1]Rule of Law and Human Rights/Business and Human Rights available at<https://www.undp.org/rolhr/business-and-human-rights > accessed on 29 July 2025.

[2] UNGPHR, 2011.

[3] Ibid.

[4] Ibid.

Oldscholar

operations, they are also a roadmap for businesses to contribute to the 2030 Agenda and Sustainable Development Goals (ASDGs).[5]
The United Nations Development Programme[6] works with governments, businesses, civil society, human rights defenders, academia and others to implement the UNGPs and advance responsible business practices globally.[7]

In Nigeria, the National Action Plan (NAP) on Business and Human Rights was approved by the Nigerian government in April, 2023[8]. It was included as a chapter in a broader National Action Plan for Promotion and Protection of Human Rights (2024-2028), and was adopted on the 14 January 2024.[9]

The questions that beg for answer are that, should human right principles be entrenched into business environments by all cost? Or are there exceptions? Or are there challenges militating against the implementation of human right principles in business environment and if they are, what to do to alleviate those challenges?

There have been suggestions that, there should be support from all meaning citizens to National Action Plans and similar policy or normative instruments on business and human rights to promote responsible business practices and corporate accountability. To convene stakeholders to facilitate regional peer learning and capacity building on the UNGPs including organising regional forums on business and all human rights. To engage with companies to ensure respect for human rights throughout supply chains, including offering human rights due diligence training and closed-door guidance sessions. To develop guides and toolkits to support businesses in managing human rights risks including heightened risks and impacts in conflict-affected areas. To support the conduct of national and regional baseline assessments and supply chain analyses. To promote gender considerations in business operations to strengthen respect for rights of women and non-binary people. To promote access to remedy to ensure rights based solutions and prevent future human rights abuses. To facilitate knowledge sharing to foster actions addressing the adverse role of business operations on the environment, climate and human rights.[10]

The purpose of this paper is to examine the relationship between human rights and business in Nigeria by assessing the implementation of the UN Guiding Principles and the National Action Plan. This paper further examines the essence of entrenching and or observing human right principles in all business environments as well as the challenges and prospects. The paper examines how human rights are relevant to business and how to manage human rights impacts in business operations or environments. The paper finds out that, as lofty as the provisions UN Guiding Principles and National Action Plan, implementation is the major challenge leaving everything on paper and in fact, ineffective. This paper challenges all and sundry to champion

[5] Rule of Law (N 1).
[6] UNDP, this is the UN's global development network, focussed on helping countries eliminate poverty, reduce inequalities, and build resilience. It works in nearly 170 countries and territories, providing support and resources to help people build a better life.
[7] Ibid.
[8] Nigeria-National Action Plans on Business and Human Rights available at < https://globalnaps.org> accessed on 17 August 2025.
[9] Ibid.
[10] Rule of Law (n 1).

OldScholar

the course of implementation of all the provisions of the UN Guiding Principles and the Nation Action Plan. The paper recommends that, human rights are inalienable, interdependent, interrelated and indivisible and as such should be entrenched in business enterprises for a sustainable world. This paper is divided into eight sections. Section one deals with introduction, section two discusses human rights and its relevant to business operations, section three deals with the foundation of modern human rights, section four deals with steps to respecting human rights in business environment, section five discuses human rights relevance to businesses and section six deals with the challenges, section seven deals on prospects, section eight deals with conclusion/recommendations.

2. Human Rights and Its Relevance to Business Operations

Human rights are available to all and inherent, everyone is entitled to be treated with dignity, respect, and fairness with freedom of expression. These rights protect individuals from arbitrary and excessive action that may result in loss of life, liberty, degrading treatment or intrusion into people's personal lives. In the work place, human rights include the right to a safe working environment, the right to fair remuneration and equal pay for equal work, the right to organise and participate in collective bargaining and the right to be protected from forced labour and trafficking.[11]

3. The Foundation of Modern Human Rights

The foundation of modern human right is associated to Universal Declaration of Human Rights 1948 which is seen as the foundation or ground-breaking for modern human rights. From the Universal Declaration to Human Rights Act 1998, human rights laws and treaties promote and protect those rights in Nigeria and elsewhere.[12]

The United Nations' Guiding Principles for business and human rights[13] provide the first global standard for preventing and addressing human rights harms from business activities. The principles make clear the duty of governments to protect human rights and provide access to a remedy when they are breached, and the responsibility of all businesses, regardless of their size, sector, location, ownership and structure to respect human rights.[14] Countries or governments such as the UK government supports implementing the UN Guiding Principles and making business more aware of its human rights responsibilities.[15]

Businesses are expected to adhere to all applicable laws and to respect human rights. Complying with all applicable laws will help ensure that human rights are respected. For example, the

[11] Guide to Business and Human Rights Equality and Human Rights Commission www.equalityhumanrights.com 2 Last revised 06-2014 available at <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.equalityhumanrights.com/sites/default/files/a_guide_to_business_and_human_rights_1_1.pdf&ved=2ahUKEwjOx430ouKOAxVAU0EAHUOsNMYQFnoECCAQAQ&usg=AOvVaw1X8_9cPuzgatbbEPo64f1L >access on 29 July 2025. See also chapter 2 and 4 of the 1999 Constitution of the Federal Republic of Nigeria (as amended); Draft National Action Plan (NAP) on Business and Human Rights available at <https://www.nigeriarights.gov.ng/files/nap/NAP%20on%20BHR%20for%20Final%20Review%20in%20July-converted.pdf > accessed on 29 July 2025; United Nations Guiding Principles on Business and Human Rights available at< https://www.ohchr.orgpdf > accessed on 29 July 2025.

[12] Guide to Business (N 7).

[13] UNGPHR, 2011.

[14] Guide to business (N 7).

[15] Ibid.

Equality Act 2010 helps to fulfil the right to non-discrimination, and the Management of Health and Safety at Work Regulations 1999 help protect the right to a safe working environment.[16]

Businesses carrying out public functions are expected to adhere to Human Rights Act. Whether a business is carrying out public functions is in some cases straightforward (such as when a private contractor runs a prison), but in other cases it depends on a number of factors such as the nature of the function in question, whether the function is exercised under a statutory power, and the extent of any public funding provided. If you are unsure if a function you undertake is a public function, you should seek legal advice.[17]

Sometime in 2011, the BBC Panorama programme showed how disabled residents at the privately run Winterbourne View hospital near Bristol were routinely slapped, kicked, teased and taunted by members of staff. This prompted enforcement action by the Care Quality Commission, a criminal investigation by the police and led to the hospital's closure.[18]

Public procurement rules specifically allow the exclusion of tenderers from bidding for a public contract opportunity where there is information showing grave misconduct by a company in the course of its business. This might apply where the company has been responsible for breaches of human rights in the United Kingdom or abroad.[19]

Halton Council for instance expects businesses bidding to provide care for older people in their own homes to respect the human rights of their clients. Its adoption of the 10-point Dignity in Care Challenge for service delivery requires suppliers to respect people's right to privacy, to take a zero tolerance approach to all forms of abuse and to enable people to live with the maximum independence, choice and control.[20] Halton Council asks suppliers to provide evidence that they are protecting human rights and asks customers how they are treated, with specific emphasis placed on their human rights. If there are doubts about a potential supplier's history, or capacity to protect, promote and respect the rights of service users, then the supplier is unlikely to be considered for such contracts.[21]

Transparent business practices can also help to protect and promote human rights and minimise opportunities for corrupt behaviour. From 1 October 2013, companies listed on the stock exchange were required to report annually on their strategy, their business model, and any human rights issues related to business performance.[22]

---

[16] Ibid.
[17] Guide to business (N 7).
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Ibid.
[22] The Financial Reporting Council has issued draft guidance on complying with this duty, which can be found at: <https://www.frc.org.uk/Our-Work/Codes- Standards/Accounting-and-Reporting-Policy/Ongoing-projects/Narrative- Reporting.aspx> accessed on 2 August 2025.

Oldscholar

The UK government also now publishes details of its procurement and contracting arrangements with businesses and other organisations. This enables people to hold public bodies to account, and may lead to greater public scrutiny of businesses.[23]

4. Steps to Respecting Human Rights in Business Environment

To ensure that respect for human rights becomes an integral part of business, the owner needs to be knowledgeable of the potential harms his or her activities could create and take steps to deal with them. For instance, two human rights relevant to the workplace are the right to a safe work environment and protection from forced labour. The Equality and Human Rights Commission's inquiry into employment in the meat and poultry processing sector in 2008 found that some workers did not have access to adequate personal protective equipment.[24] Some agency workers also reported that they were forced to work overtime or threatened with losing their jobs. Businesses in this sector responded to the identified human rights risk, and took remedial action.[25] When the Commission reviewed progress in 2012, it found real improvements by the industry.[26]

There are general principles as set out by the UNGPs, 2011 which are:

(a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;

(b) 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;

(c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

These Guiding Principles apply to all States and states are further charged to do the followings:[27]

1. States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.
2. States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

The UNGPS further directs on operational guidelines in achieving results expected thus; 'In meeting their duty to protect, States should:

(a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps;

(b) Ensure that other laws and policies governing the creation and on-going operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights;

(c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations;

[23] Guide to Business (N 7).
[24] Ibid.
[25] Ibid.
[26] Ibid.
[27] UNGPS 2011, Art 3.

Oldscholar

(d) Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.

While steps taken to protect human rights as enumerated by UUNGPs 2011 are as follows;

1. States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.
2. States should exercise adequate oversight in order to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights.
3. States should promote respect for human rights by business enterprises with which they conduct commercial transactions.
4. Because the risk of gross human rights abuses is heightened in conflict affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:

(a) Engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships;

(b) Providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence;

(c) Denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation;

(d) Ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.

5. States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.
6. States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts.
7. States, when acting as members of multilateral institutions that deal with business-related issues, should:

(a) Seek to ensure that those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights;

(b) Encourage those institutions, within their respective mandates and capacities, to promote business respect for human rights and, where requested, to help States meet their duty to protect against human rights abuse by business enterprises, including through technical assistance, capacity-building and awareness-raising;

(c) Draw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges.

The UNGPS 2011 further makes provisions for corporate responsibility to respect human rights in carrying out businesses in its articles 11 -15.

BOldscholar

5. Human Rights Relevance to Business

The United Nations' Guiding Principles for business and human rights sets out the responsibility of businesses to respect human rights. This means businesses should avoid harming the human rights of others and should address adverse human rights impacts. Nine human rights are particularly relevant for business and shall set out herein and explain.

5.1 Non-Discrimination

Equality and non-discrimination are core principles in international human rights law[28]. In the UK for instance, legislation such as the Equality Act 2010[29] protects people from discrimination. To respect the right to non-discrimination, there should be no discrimination against employees or customers, directly or indirectly, on the grounds of their gender, age, religion, marital status, race, social background, disability, pregnancy, ethnic and national origin, nationality, membership of worker organisations (including trade unions), political affiliation, sexual orientation, or any other personal characteristic.[30] There should be a clear commitment to equality and human rights and to put in place policies that are understood and implemented across the business. These might include training, a complaints procedure and arrangements to deal with any discrimination.[31]

In Nigeria, the provision[32] of the 1999 Constitution of the Federal Republic of Nigeria as amended prohibits discrimination of any kind. The Supreme Court held the same position in the case of *Lafia Local Government V. Executive Govt. Nasarawa State & ors*[33]

5.2 Right to a Safe Work and Environment

Businesses demonstrate respect for the right to a safe work and environment when they comply with domestic health and safety legislation.[34] For example, businesses must demonstrate respect by:

1. Ensuring that workplaces, machinery, processes, and chemical or biological substances under their control are safe and without risk to health.
2. Providing adequate protective clothing and protective equipment to prevent risk of accidents or adverse effects on health.
3. Being prepared for emergencies and accidents
4. Ensuring their workers receive regular and documented health and safety training
5. Ensuring access to clean toilet facilities and to drinking water
6. Where businesses provide accommodation to employees, they must ensure Is clean, safe, and meets basic needs.[35]

---

[28] UDHR Chapter I, Art. 1 (3) states that "the purpose of the United Nations are: to achieve international cooperation in solving international problems of economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'.

[29] EA 2010.

[30] This is the position in Art. 3 of African Charter on Human and People's Rights, 1966; see section 42 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

[31] Guide to Business (N 7).

[32] CFRN, 1999, s.42.

[33] (2012) LPELR-20602(SC).

[34] Ibid; see ACHPR 1966, Art. 15.

[35] Ibid.

Oldscholar

5.3 Right to Rest and Leisure a Human Right Relevant to Business

The right to rest and leisure covers working hours for adults and younger workers, overtime and holidays. These also enable business to provide a safe working environment.[36] Workers should not be regularly required to work over 48 hours per week and adult workers should have at least one day off for every seven day period on average.[37] During the work day adult workers should have a break of 20 minutes if their daily working day is more than 6 hours long, and a minimum rest break of 11 hours between finishing their job and starting the next day. Employees only have to work overtime if their contract says so.[38] Employers should respect all workers' right to public and annual holidays. Most workers who work a 5 day week should have a minimum of 28 days paid leave each year.[39]

5.4 Prohibition of Child Labour

Businesses should not employ children younger than 13 and should not employ children younger than 18 for night work or work which is likely to be harmful to their health, wellbeing or education.[40] Until children reach the minimum school leaving age, they can only work a certain number of hours per week and only do certain jobs as defined by local bylaws.[41] Young workers, above minimum school leaving age and under 18, are usually entitled to:[42]

1. A break of 30 minutes if they work more than 4.5 hours at a stretch
2. A minimum daily rest break of 12 hours
3. 48 hours off for every seven-day period

5.5 Right to Just Remuneration

Workers have the right to fair and favourable remuneration that offers them and their families a dignified life. In the UK businesses comply with the National Minimum Wage Act 1998, when operating abroad, businesses should, as a minimum, ensure that the wages they pay are enough to meet basic needs and to provide some discretionary income.[43]

5.6 The Right to Freedom of Association and the Right to Organize and Take Part in Collective Bargaining

Freedom of association refers to the right of workers to set up and to join organisations to promote and defend their interests. Collective bargaining refers to workers being able to negotiate together with others to reach jointly acceptable agreements about employment conditions.[44] Businesses can voluntarily recognise a trade union. Businesses should not discriminate against workers due to their membership of a trade union or an association when

---

[36] Guide to Business (N 7); See also section 13 of the Labour Act Cap L1 LFRN 2004.
[37] Ibid.
[38] Ibid.
[39] Ibid.
[40] Guide to Business (N 7); see also sections 59-64 of the Labour Act Cap L1 LFRN 2004.
[41] Ibid.
[42] Ibid.
[43] Guide to Business (N 7); See also Section 40 of the Constitution of Federal Republic of Nigeria (as amended), see also Labour Act, Cap L1 2004 LFRN particularly sections 1 and 15

[44] Ibid

Oldscholar

you recruit, employ or dismiss employees. Neither should businesses use agency labour or contractual work to hinder the right to freedom of association and collective bargaining.

5.7 The Right to Protection against the Use of Forced Labour

Everyone has the right to be protected from forced or compulsory labour.[45] Business should not use forced labour and should be aware of how your supply chain treats its workers.

Forced labour practices include:

a. Demanding labour as a means of repayment for a loan (also called bonded labour)
b. Labour undertaken due to violence or threat of violence against a worker or a worker's family
c. Labour undertaken because the employer retains the worker's identity papers or threatens to report workers because of their immigration status; or
d. Labour paid less than the agreed or legal minimum wage.[46]

Businesses should ensure that workers are free to leave their positions after reasonable notice and respect the right of workers to leave the workplace after their shift. Workers should not be forced to live or remain in 'tied' accommodation linked to their work.[47]

5.8 The Prevention of Trafficked Labour or Slavery

Human trafficking is modern day slavery. It is a growing, organised and lucrative crime and is a gross violation of a person's dignity and human rights. The UK government's 'Human Trafficking' strategy published in 2011 sets out the role for businesses to help prevent trafficking. Businesses should take all possible steps to avoid direct, or indirect, involvement in human trafficking. They should also make sure that their staff, particularly those recruited through third parties, are working voluntarily and have not been trafficked.[48]

In Nigeria, Section 34 (1) (a) (b) and (c) of the 1999 Constitution of the Federal Republic of Nigeria as amended states emphatically thus; (1) Every individual is entitled to respect for the dignity of his person, and accordingly-

(a) no person shall be subject to torture or to inhuman or degrading treatment;
(b) no person shall be held in slavery or servitude; and
(c) no person shall be required to perform forced or compulsory labour.

5.9 The Right to Privacy

All businesses need to respect the privacy of their workers and their customers.[49] Businesses must follow data protection rules whenever you store or use personal information. This might include information from recruiting and managing staff, when businesses market their products or services or use CCTV. Data should be processed fairly and with the consent of the person

[45] Guide to Business (N 7); see also section 34 (1) (b) & S(c) of the Constitution of Federal Republic of Nigeria (as amended); Art. 5 of ACHPR 1966, see also sections 73 and 74 of the Labour Act, Cap L1 LFRN 2004.
[46] Ibid.
[47] Ibid.
[48] Ibid.
[49] Guide to Business (N 7); see also section 37 of the Constitution of Federal Republic of Nigeria (as amended); PART V, VI, VII & VIII of Data Protection Act, 2023; Art. 5 of ACHPR 1966.

concerned or some other legitimate basis laid down by law. There should be data protection policy for customers and staff to ensure the protection of this right.[50]

The United Nations Guiding Principles on Business and Human Rights (UNGP) gives a framework on how government and businesses are to protect and respect human rights, including what mechanisms are to be put in place to reduce, mitigate and redress business related violations and pursuant to that, Nigeria has adopted an Action Plan[51] which seeks to operationalize the principles provided by UNGPS in practical, real and specific terms, exploring how government discharges the Duty to Protect in the context of business and how businesses operationalize the Duty to Respect and more importantly how to ensure Access to Remedy for individuals or communities adversely affected by business operations. It also encourages adoption of effective grievance mechanism by companies to address human rights issues.[52]

The plan[53] provides clear threshold for measuring progress and achievements in the implementation process by allocating roles and responsibilities for each stakeholder group in order to advance human rights and business in Nigeria. It[54] therefore seeks to develop strategies for implementing human rights and business imperatives in Nigeria. It reinforces the three Pillars of the UNGPs which are:
1) The State duty to protect human rights
2) The corporate duty to respect human rights
3) Access to Remedy

It outlines actionable items by the Federal Government of Nigeria to address business-related human rights abuses, focusing on institutional backing of appropriate agencies, ensuring FPIC, stakeholder identification and analysis, employment, casualization and contract employment, land acquisition, compensation, gender, mobilisation, sensitisation and awareness creation, capacity building, resettlement, community development, community consultation and engagement, security, conflict resolution, reporting and monitoring compliance, community responsibility, reward and recognition and exit strategy.[55] There are several legislations in Nigeria that are in line with the UNNGPPS and the NAP.[56]

---

[50] Ibid; Directory of useful contacts More information about why human rights matter to business is available on <www.equalityhumanrights.com/advice-and-guidance/here-for-business > accessed on 11 August 2025; < www.acas.org.uk> accessed on 11 August 2025.

[51] NAP (N7).
[52] Ibid.
[53] Ibid.
[54] Ibid.
[55] Ibid.
[56] National Industrial Court Act 2006, The Companies and Allied Matters Act (CAMA) CAP C20 LFN 2004, The Investment and Securities Act, 2007, The Banks and Other Financial Institutions Act (BOFIA) 2004, the Nigerian Sustainable Banking Principles, 2012, Sustainability Disclosure Guidelines, 2018, Nigeria Data Protection Regulation, 2019, Environmental Impact Assessment Act CAP E12 LFN 2004, Nigeria Labour Law Act 2004, Harmful Waste (Special Criminal Provisions) Act CAP H1 LFN 2004, Oil Pipelines Act 2004, Nigerian Communications Commission Act 2003, Federal Competition & Consumer Protection Act 2019, National Health Act 2014, Nigeria Extractive Industries Transparency Initiative 2007, National Environmental Standards & Regulations Enforcement Agency 2018 etc.

Oldscholar

Nigeria has also ratified some international instruments and treaties that reinforce those guiding principles provided by UNGPS.[57]

6. Challenges

As lofty as those provisions above, there are still serious challenges facing and or hindering the full implementation of the guiding principles which challenges include but not limited to; 1. Casualization of employment, especially in the oil and gas sector, as well as the telecommunications, banking and financial services sectors. 2. Contradictions in the provisions of Nigerian Labour Act with regards to freedom from discrimination on basis of sex at place of employment as provided by Section 42 of the Nigerian Constitution. 3. Cost of litigation is a major impediment to access to remedy for victims of business human rights abuses. 4. Ignorance and lack of awareness of rights by communities. 5. Lack of adequate human rights, conflict and environmental impact assessment when land is being acquired for development or business purposes. 6. Lack of government involvement in observing stakeholder's engagement and consultation to the detriment of the host communities. 7. Lack of effective, transparent, sustainable grievance mechanisms for businesses to address conflicts with communities including documenting and reporting of activities of settlement. 8. Lack of involvement and inclusion of the community in the design and management of security architecture and operations of businesses that they host. 9. Lack of human rights training for security providers in their logistic support and general oversight, including the Nigeria Security and Civil Defense Corps (NSCDC). 10. Lack of inclusive security coverage for every entity in the business value chain including business facilities, employees, suppliers, contractors, infrastructure and the community. 11. Inability of Government to adequately monitor and ensure human rights are protected in the provision of security. 12. Lack of a realistic, implementable business and human rights reporting mechanism for businesses to report on their business and human rights situation. 13. Lack of incentives developed by Government for businesses to comply with business and human rights provisions, etc.

7. Prospects

The prospects of the UN Guiding Principles on Business and Human Rights (UNGPs) lie in their evolving role from a voluntary "soft law" framework to the foundation for mandatory human rights due diligence legislation in numerous countries. The framework provides a globally accepted standard, the primary challenge of which is translating its principles into universal, effective, on-the-ground outcomes for affected people. So far, the positive prospects that can be seen are

[57] Among which include; The African Charter of Human and Peoples' Rights, The Universal Declaration of Human Rights (UNDHR), The International Covenant on Civil and Political Rights (ICCPR), The International Covenant on Economic, Social and Cultural Rights (ICESCR), The Convention on the Elimination of All Forms of Discrimination (CERD), The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The United Nations Convention on the Rights of a Child (CRC), The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The International Labour Organisation (ILO) Convention 54 of 1935 Policies and Administrative Steps, Nigerian Code of Corporate Governance, 2018, Nigeria Data Protection Regulation, 2019, Establishment of Committees on public petition, human rights and justice in the National and State Houses of Assembly, Establishment of Investment Tribunal and National Industrial Court.

Oldscholar

a. Foundation for Hard Law: The most significant prospect is the increasing use of the UNGPs as the basis for national and regional mandatory human rights and environmental due diligence (MHREDD) laws, particularly in Europe and in Nigeria for instance, the formulation of the National Action Plan in line with UNGPs as well as the Labour Act, 2004 and other national and regional laws. This shifts the dynamic from voluntary compliance to legal obligation for many businesses, creating a more level playing field.
b. Global Standard: The UNGPs have achieved broad, multi-stakeholder consensus and are the authoritative global reference point for business and human rights. This wide endorsement by states, businesses, and civil society ensures their continued relevance and integration into other international frameworks (e.g., OECD Guidelines, IFC Performance Standards).
c. Emphasis on Human Rights Due Diligence (HRDD): The concept of HRDD—requiring businesses to identify, prevent, mitigate, and account for their adverse human rights impacts—is the cornerstone of the UNGPs and is increasingly being embedded in law and practice. This has successfully expanded corporate risk assessments to include the impact on people, not just the risk to the business.
d. Enhanced Access to Remedy: There is a growing focus on strengthening access to effective remedies for victims of business-related human rights abuses, through both judicial and non-judicial mechanisms. The UN Working Group is actively exploring ways to enhance this pillar.
e. Integration with Global Challenges: The framework is being applied to emerging and pressing issues, such as climate change impacts on human rights, the rights of workers in complex supply chains, and the ethical challenges posed by rapid technological change.

In a whole, the prospects for the UNGPs remain strong as they continue to inform and shape the global discourse on business and human rights, providing an essential, evolving blueprint for responsible business conduct in the 21st century despite challenges.

8. Conclusion and Recommendations

The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011 and these Guiding Principles apply to all States and to all business enterprises, both Transnational and others, regardless of their size, sector, location, ownership and structure. These Guiding Principles should be understood as a coherent whole and should be read, individually and collectively, in terms of their objective of enhancing standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities, thereby contributing to a socially sustainable globalization. In a final analysis, human rights are inalienable, interdependent, interrelated and indivisible and as such should be entrenched in business enterprises for a sustainable world.

UNGPs and the National Action Plan both have lofty provisions however, it is observed that, there are challenges hindering their implantation which challenges as enumerated above, and reflecting on the above challenges vis-à-vis the prospects, this paper recommends that implementation gap should be closed in that companies that fail to conduct adequate due diligence in practice be forced to cease business. It is also recommended that access to justice by victims of corporate abuses should be made free or at lesser cost and that the burden of proof should be made to be on the preponderance of evidence. It is recommended also that, cases of corporate abuses should be treated with urgency by courts. Also, the UNGPs primarily focus on a

Oldscholar

‘do no harm’ approach, and as such, it is recommended that there should be more transformative models that encourage businesses to actively contribute to a human rights-compliant world. Relatedly, issues relating to a lack of policy coherence within and between states, and the power imbalances between transnational corporations and victims, still need to be addressed.