**Forum:** Third General Assembly

**Issue:** Examine the role of corporations in promoting or violating human rights and exploring ways to hold corporations accountable for their actions in Africa

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Introduction

In the contemporary discourse surrounding the examination of the role of corporations in promoting or violating human rights, particularly in the context of Africa, a discernible trend toward increased respect and recognition of human rights appear. Despite this trajectory, certain corporations persist in violating human rights through practices such as forced labor, sexual abuse, and discrimination within the African continent. According to United Nation (UN), human rights refer to the universal rights that all human beings should have regardless of their authentic identity. Consequently, it becomes imperative to scrutinize instances where corporations infringe upon these universal rights and demonstrate a lack of regard for individuals as human beings. With the world being increasingly conscious of human rights, Africa continues to grapple with multifaceted challenges, ranging from forced labor and discrimination to broader systemic issues affecting the well-being of the inhabitants. In the pursuit of promoting human rights in Africa, organizations like the World Health Organization (WHO) play a crucial role, advocating for individuals facing human rights challenges arising from corportations. Though the corporations are supervised by the international and domestic laws, it is essential for these businesses to be alarmed. It is recorded that more than 15,000 women and girl in Nigeria are being trafficked, more than 1.4 million children are in need help for humanitarian assistance in Central Africa Republic, and 3.8 million African are suffering from forced labor. As the least developed region of the World, Africa suffer from a severe insecurity and unfairness of the human rights issue. As human rights issue have taken a big issue in Africa, it is crucial for the corporations to take responisibility on being accountable in their action when promoting for human rights in Africa.

Definition of Key Terms

Human rights

Human rights are fundamental rights and freedoms inherent to all individuals, regardless of their nationality, ethnicity, gender, religion, or any other status. The concept of human rights encompasses a broad range of civil, political, economic, social, and cultural rights that are recognized and protected by international law and norms.

Corporation

 Corporation is a company authorized to act as a single entity and recognized as such in law. The number of forced labor and child labor have dropped significantly in the recent years in Africa, however, it is still recorded that 14 percent of the forced labor take place in Africa.

Accountability

 Accountability is the fact or condition of being responisible. Accountable corporations are expected to provide accurate and accessible information about their actions, decisions, and the impact of their activities. The corporation are also required to be responsible, aware, and trustworthy if they are accountable.

Forced Labour

Forced labor is the coercion of individuals to work against their will, constituting a severe violation of human rights. Corporations must avoid forced labor in their operations and supply chains by following international guidelines such as the ILO's Forced Labour Convention and the UN Guiding Principles on Business and Human Rights.

Background

Universal Declaration of Human Rights (UDHR) (1948)

 After the devastating war that was held in 1939 to 1945, global demand for peace has grown significantly. As to avoid the terrific economic and political disaster from World War II, Universal Declaration of Human Rights (UDHR) was signed for protecting human rights. The UDHR is one of the most significant global document that was adopted on December 10, 1948 for global peace. It serves as a important document that encourage all people to achieve basic standard of a human being. As UDHR is not a legally binding document, it was hard to measure the nations’ commitments to human rights. However, this declaration still has a great impact on the creation of legal obligations and international human rights law. For instance, between 1966 and 1976, due the to influence of UDHR, the international Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural rights (ICESCR) was formed. As a result of UDHR being the foundation of internation human rights law, this declaration evidently became a essential guideline for the development of Human rights. UDHR did not only gave a significant impact globally but also regionally in Africa. In consequence of UDHR, more African countries gained independence from the colonization. Due to decolonization, more individuals were able to gain back their rights as a human being. To develop human rights in Africa, more organziations are also being created such as Adrican Commission on Human and People’s Right (ACHPR) and the Institure for Human Rights and Development in Africa (IHRDA).

Adoption of African Charter on Human and People’s Right (ACHPR) (1981)

 The African Charter on Human and People’s Rights (ACHPR) are adopted by the African Union for the protection of human rights in African continents. Unlike UDHR, African Charter on Human and People’s Right is legally binding treaty and ratified by many countries in Africa. Thus, this establishment clearly and directly had a impact on human rights in Africa. The first article in African Charter on Human and People rights says that every individual should be entitled to rights regardless of any kinds of idendity which shows the effort to stop discrimination. Also, in Article 17, it states that all indivduals have the right to be educated. Since educations and knowledge also indicates power, African Union is claiming that all citizens can have equal rights to gain wealth or status regarding on their effort. Overall, ACHPR have given people in Africa more rights to speak. It allowed individuals to express their thoughts to more non-governmental organizations and gave them more access to sources for improvement in life standard.

Corporations involvement in human rights in Africa

 Multinational corporation can both give positive or negative impact on people regarding on the human rights issue. Though it is for the companies’ development and production, it is essential to know that violating human rights will lead to untrustworthiness, protests, blamings towards the company. Moreover, in recent years, the corporation may be arrestes for violating human rights. Thus, taking accountability for their actions is significant, especially in African continent as they have a weak human rights system.

Ogoniland Environmental Crisis (1990s)

Ogoniland, located in Nigeria was a popular oil extraction place for multinational corporation including Shell. However, continuous oil extraction caused oil spills and gas flaring which gave a severe impact on Ogoniland’s environment. Due to this environmental damage, people in ogoniland was forced to live in a poor environment which influenced their rights for well being. Especially for farmers and fisherman, it gave a significant damage to their economic rights. As a result of this, the multinational corporation, Shell, was forced to clean up all the damages that they made from oil extraction. Their accountability to clean up the oil spills was able to give the rights back to people in Ogoniland. As a result, this event led to a huge protest for all the oil companies who does not take responisibility in their actions that violates human rights.

Marikana Massacre (2012)

Marikana which is located in South Africa had a severe challenge between August 10, 2012 and September 20, 2012. Due to the low wages of the mineworkers in Lonmin Platinum mine, they had a prolonged protest to increase their living wages. In August 10, 2012, a group of mineworkers head to National Union of Miners (NUM) to request support but end up with two people getting wounded. This unfair and cruel response from the corporation made the mineworkers to continue protesting. During this period, it is notable that none of the police officers were severely injured but 34 mineworkers were killed and 78 were injured. From this event, it is clearly showing that mineworkers in Africa lost their rights to survive and assembly. The mine industry at the end was arrested not only because they ignored people’s rights but also priotizing profits than people’s life. Though making money is important for the corporation’s right but it does not mean that they can ignore individuals’ right. In order to have their own rights, it is essential to prioritize and recognize other’s rights too.



Caption 1: picture showing mineworkers protesting for their rights

Major Parties Involved

The institute for Human Rights and Development in Africa (IHRDA)

 The institure for Human Rights and Development in Africa (IHRDA) is a Non-Governmental Organization (NGO) that work to promote and aware human rights in Africa. They are established in 1998 which has been a significant outbreak for Africans to defend themselves for human rights. IHRDA works for three main motifs which are defend, educate, and inform. IHRDA have stated that they defend victims before domestic or regional judicial bodies. This shows that they are working for prevention rather than solution for promoting human rights. Moreover, they insure that they educate the domestic laws with the standard of international human rights law. Lastly, they publish books and articles to inform people about human rights cases in Africa.

African Commission on Human and People’s Rights (ACHPR)

 African Commission on Human and People’s rights (ACHPR) is a quasi-judical body that works under Africa Charter on Human and People’s rights. They took a important role in improving Africa’s human rights problem after World War II. They follow the Africa Charter to make Africa a more collective and diverse continent. They have been monitoring people in Africa to make recommendation regarding on Human rights issue. They have giving pressure to the government to insure human rights and advocating media platform usage. To help with media platform usuage, ACHPR have been investigating and exploring inways to spread technology in Africa.

**Sudan**

 Sudan have faced a several armed violence for the past few years. With the continuous armed violence exposed in public, more innocent people are being insecure and in danger without any protection from either government or institutions. Not only armed violence, but also forced labor and gender based violence are happending all across Sudan. These are mainly caused by the political instability, religious diversity, and economic challenges faced by all the families and corporations in Sudan.

Timeline of Events

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| --- | --- |
| Date | Description of event |
| 1926 | Firestone Natural Rubber Company, a subsidiary of Bridgestone Corporation, operates one of the largest rubber plantations in the world in Liberia |
| December 10, 1948 | Universal Declaration of Human rights adopted  |
| 1981 | Adoption of African Charter on Human and People’s Right |
| 1976-1991 | Ogoniland Environmental Crisis |
| August 10, 2012 | Marikana Massacre |
| 2014 | Karuturi flower farm in Ethiopia- causing displacement and labor rights violation.  |

Previous Attempts to Resolve the Issue

Shell is a British oil and gas company founded in 1897. The corporation has a holistic approach to human rights, which the UN Guiding Principles have informed. They have been trying to show their commitment to human rights through “[Shell General Business Principles (SGBPs)](https://www.coralenergy.gr/media/1995/see-the-full-text-of-our-general-business-principles.pdf),” “[Code of Conduct](https://www.shell.com/sustainability/our-approach/commitments-policies-and-standards/business-integrity.html#:~:text=They%20reflect%20our%20three%20core,employees%2C%20business%20partners%20and%20society.),” and “ [Supplier Principles](https://www.shell.com/business-customers/powering-progress-in-supply-chain/supplier-principles.html),” which include human rights expectations for contractors and suppliers. Additionally, Shell has provided mandatory human rights awareness training sessions to the employees and contractors on cultural heritage, indigenous peoples, and involuntary resolutions. It regularly reminds them about the importance of SGBPs and the Code of Conduct.

To address human rights concerns related to corporations, the UN Human Rights had created UN Guiding Principles on Business and Human Rights (UNGPs) (“The UN Guiding Principles on Business and Human Rights: UN Guiding Principles Reporting Framework”). The three focal point of UNGPs are: the state has a duty to protect human right from third parties including businesses, businesses should respect and not violate human rights, and effective treatments should be provided to those affected by business-related human rights abuses. Unilever, established in 1929, is a British multinational and one of the largest consumer goods companies. It is often cited as the exemplar of a company promoting human rights following the UN Guiding Principles (UNGPs). Previously, the corporation implemented sustainable sourcing particles in the agricultural sector in Africa, where the company sets targets to ensure their key agricultural raw materials (palm oil, tea, and soy) are sourced sustainably (Unilever PLC). With the partnership with smallholder farmers, they provided resources and fair pricing to improve people's livelihoods and promote sustainable agriculture. For example, in the tea industry, incidences of human rights abuses, such as violence against women and workers not receiving sufficient amount of wages, happened. Not only that, many of the workers in the tea sector struggled with poor nutrition, vitamins, and minerals. Unilever always prioritizes the human rights of tea workers and smallholder farmers, helping to enhance their health and financial security by cooperating with the Global Alliance for Improved Nutrition (GAIN) and IDH. However, criticism exists, as things did not work out as they stated. In July 2020, 218 Kenyan tea workers filed a protest against Unilever for its incivility towards human rights and additional violence. These innocent workers additionally became the target of attacks, and inadequate protection was taken to protect workers from violent attacks. That is, Unilever failed to respond appropriately; instead, the corporation immediately closed the tea plantation.

Possible Solutions

Strengthening National Legislation

Encouraging African countries to strengthen their legislation and enforcement that especially addresses the human rights responsibilities of corporations on violating human rights would reduce violation of human rights from corporations. Laws that require corporations to stick with the international standards and face the following consequences for violations should be included.

Enhancing Transparency

Corporations, especially those operating in sectors with higher risk of human rights violations should be advocated for increased transparency. Especially, UN or associated organizations should encourage corporations to transparently present their supply chain operations which include the origin of raw materials, the conditions of the environment of where products are manufactured. This increased transparency would allow consumers and organizations to easily monitor corporations work involving labor in Africa and decide whether to apply pressure on these companies to maintain human rights standards.

Empowering Local communities

 By giving support to small groups and communities in African countries, they would be able to keep an eye on corporations and make sure they follow human rights rules. This support includes educating and training people and providing them with resources and legal help to make sure they can speak up when they see human rights violations. Furthermore, these local groups could make sure that people could share their concerns to each other, allowing transparent communication to happen. This way, local communities could act as a stronger advocate for corporations to follow the human rights standards.

Capacity building for local governments and regulatory organizations in Africa

 Investing in training programs to help these organizations to better understand and enforce laws related to human rights would empower local organizations to not only monitor but to enforce human rights laws effectively. And when local authorities and organizations are well-informed and educated about human rights standards, they would be able to engage with corporations in their own regions as well. So increased knowledge leads to more informed and effective decision-making, allowing organizations to keep an eye on any violations that could occur, leading to a sustainable and locally driven approach in addressing human rights issue, rather than relying on external interventions to help.

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