

Significant to this colloquium was an acknowledgement by the different stakeholders⁵ regarding the possible and actual adverse effect of business operations on human rights in the country. The stakeholders highlighted gaps in policy, legal and institutional frameworks on business and human rights in Uganda. Also, it was noted that the existing frameworks are not adequately aligned to the international human rights standards on business and therefore not effective in the prevention, mitigation and remediation of business related human rights impacts. Furthermore, the State authorities present at the colloquium equally acknowledged the challenge of low capacities among the different institutions in enforcing the existing laws and policies. Other result areas included a recommendation for the Ministry of Foreign Affairs (MoFA) to develop a strategy and roadmap for further consultations and the subsequent development of a NAP on Business and Human Rights for Uganda.

This symposium builds on the reflections of last year's colloquium on business and human rights. It aims to create further awareness among the interlocutors on the UN Guiding Principles on Business and Human Rights⁶. Also, the symposium is intended to provide a platform for discussions on possible best strategies for the possible development of a business and human rights national action plan for Uganda, or other possible initiatives in this area, in line with the UPR commitment.

2. Problem statement

Under Vision 2040⁷, the Government of Uganda prioritized private investment as an engine of growth. This has seen a number of national and multinational investments being set up in different parts of Uganda. However, business enterprises domiciled in Uganda are limited in their capacities to effect adequate measures within their respective institutions for the prevention, mitigation and remediation of business related human rights impacts.⁸ Consequently, this has resulted in some cases in adverse human rights impacts including *inter alia*; environmental pollution, forced eviction, child abuse and exploitation, and sexual and gender-based violence. Such concerns have been documented in such sectors as large commercial farms and public infrastructure projects (roads, markets and hydro power projects), national game parks, financial institutions and the mining sector, thus constraining the realization and the full enjoyment of human rights by the rights-holders. Therefore, HURINET-U, UHRC, OHCHR, TLC and DCA are organizing a national symposium to create awareness on the “UN Protect, Respect and Remedy” framework and discuss the possible development of a law on business and human rights and a National Action Plan on Business and Human Rights for Uganda.

3. Justification

Since 2011, a number of states across all regions have embarked on processes to develop National Action Plans on business and human rights⁹. As of November 2017, nineteen states had adopted a NAP, and many

⁵ Some of the stakeholders included; the Ministry of Foreign Affairs, National Environment Management Authority, Uganda Manufacturers Association, Industrial Court of Uganda, Uganda National Roads Authority, Ministry of Energy, Equal Opportunities Commission etc.

⁶ <https://www.unglobalcompact.org/library/2>.

⁷ <http://npa.ug/wp-content/themes/npatheme/documents/vision2040.pdf>

⁸ Ibid.

⁹ National Action Plans on Business and Human Rights Toolkit (2017 Edition). See, <https://globalnaps.org/wp-content/uploads/2018/01/national-action-plans-on-business-and-human-rights-toolkit-2017-edition.pdf>.

more countries are in the process of developing, or have committed to developing, a NAP on business and human rights.¹⁰

The call for the adoption of a National Action Plan on Business and Human Rights for Uganda emanates from the key recommendations during the 2nd UPR cycle in November 2016. This is consistent with the 2030 Agenda for Sustainable Development that recognises the role of business as a major driver for economic growth and infrastructure, necessary components for achieving the Sustainable Development Goals (SDGs), while at the same time, explicitly calls for businesses to act in accordance with the UNGPs.¹¹ The Addis Ababa Action Agenda, which provides a global framework for financing the implementation of the 2030 Agenda by aligning financial flows and policies with economic, social, and environmental priorities, also refers to the UNGPs as a key framework to help realise this vision.¹²

The benefits for the creation and implementation of NAPs on business and human rights include: stimulating national dialogue, mobilisation, and progress on implementing the UNGPs; enhancing awareness and understanding of business and human rights issues and the UNGPs; mobilizing additional resources to promote the Implementation of the UNGPs across society; serving as a mechanism for holding governments accountable to stakeholders; strengthening a culture of respect for human rights and of honouring international commitments; supporting state reporting requirements to regional and international human rights supervisory and other bodies; contributing to preventing and reducing business-related human rights abuses and improving remediation when abuses occur; providing opportunities for stakeholders to come together to engage in meaningful dialogue, build trust, and improve communication between stakeholders on issues of business and human rights; reducing business-related social conflicts; empowering marginalized rights-holders and protecting human rights defenders in relation to business impacts on human rights; helping to align and improve synergies between state policies on business and human rights and other topics; and promoting human rights-based sustainable development notes the International Corporate Accountability Roundtable (ICAR) and The Danish Institute for Human Rights.¹³

Important to note therefore, that if a law and a National Action Plan on business and human rights are passed, these would enhance access to justice for victims of human rights violations and abuse. Also, it is important that all stakeholders involved - state institutions, private sector, civil society, academia, development partners and strategic partners - meet to prepare for effective engagement on the two processes by sharing experiences, lessons and good practices, and share responsibilities to ensure that the processes are advanced, and their content address the needs of the various stakeholders. It is therefore hoped that the outcome of this symposium will be used by both the conveners and State institutions to lay out strategies for the development of a National Action Plan on Business and Human Rights for Uganda or other avenues that would advance implementation of the UN Guiding Principles on Business and Human Rights.

4. Objectives

¹⁰ States that have adopted NAPs on business and human rights (as of November 2017) are: Colombia, Czech Republic, Denmark, France, Finland, Germany, Ireland, Italy, Lithuania, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom, United State of America, Belgium and Chile.

¹¹ National Action Plans on Business and Human Rights Toolkit. At 8. Available at: <https://globalnaps.org/wp-content/uploads/2018/01/national-action-plans-on-business-and-human-rights-toolkit-2017-edition.pdf>

¹² Ibid.

¹³ <https://globalnaps.org/wp-content/uploads/2018/01/national-action-plans-on-business-and-human-rights-toolkit-2017-edition.pdf>. At 16.

