

# **6**

## **Promoting and enabling responsible business conduct**

---

This chapter first explains the relevance of responsible business conduct (RBC) in the ECOWAS region and the key elements of RBC. It then gives an overview and analysis of policies and initiatives relevant for RBC in ECOWAS at regional and national levels, as well as access to remedy and stakeholder awareness of RBC.

---

In ECOWAS, policy makers, businesses and civil society have made important steps to foster responsible business conduct (RBC) at both national and regional levels as well as in the extractive and agriculture sectors. Moreover, the ECOWAS institutions have already frameworks and policies in place which build a basis for further uptake and promotion of RBC. However, countries and enterprises have moved forward at different speeds on the RBC agenda. Many related initiatives are still at early stages and gaps remain to implement concrete action and to build capacity on international standards on RBC and risk-based due diligence. This chapter first explains the relevance of RBC in the ECOWAS region and the key elements of RBC. It then gives an overview and analysis of policies and initiatives relevant for RBC in ECOWAS at regional and national levels, as well as access to remedy and stakeholder awareness of RBC.

## Promoting RBC to drive trade, investment and sustainable development

In the past decade, different terms such as Corporate Social Responsibility (CSR) and Environmental, Social, and Governance (ESG) have been used to reflect the expectation that businesses should consider non-financial impacts as part of their core business considerations and not as an add-on. RBC is more specific in that it sets out an expectation that all businesses – regardless of their legal status, size, ownership structure or sector – avoid and address negative consequences of their operations, while contributing to sustainable development where they operate. This means considering impacts on people, planet and society such as corruption, environmental, labour or human rights risks within business activities throughout the entire supply chain. Enabling RBC is a key component to attract quality investment, to foster trade and to ensure that business activities contribute to broader value creation and sustainable development.

### ***Relevance of RBC for ECOWAS and its Member States***

The importance of enabling and implementing RBC has been recognised internationally from a business, trade and investment perspective. From the business side, enterprises have confirmed that implementing RBC practices and considering risks beyond financial materiality can benefit their own business. Among others, the implementation of due diligence and higher sustainability requirements has proven to make supply chains more resilient to external shocks and crises. For instance, in response to an OECD firm-level survey on RBC in Latin America, 75% of firms indicated that having responsible practices in place such as due diligence has helped them navigate the COVID-19 crisis, notably by mitigating risks (OECD, 2021<sup>[1]</sup>). A global study by the World Benchmarking Alliance found similar results (WBA, 2021<sup>[2]</sup>).

In ECOWAS, the implementation of RBC is especially key to the region's economic development given the strategic importance of the mining and agri-food industries for the sustainable development and creation of quality jobs in the region. The food economy, for instance, represents 35% of West Africa's GDP, accounts for 66% of the region's total employment and 10% of total exports. While ECOWAS is home to important natural resources and an abundant labour supply, the integration in global value chains and added value of exported goods remains low compared to other world regions due to persisting barriers and vulnerabilities across supply chains such as low productivity, environmental shocks, and unofficial fees (AUC/OECD, 2022<sup>[3]</sup>). In the face of these constraints, RBC is an important opportunity to increase ECOWAS' integration in sustainable value chains.

Enabling and implementing RBC can help to gain and maintain export market access, especially in sectors which are subject to environmental, labour and human rights risks such as the minerals, agricultural and garment sectors. This importance is further reinforced by increasing global and regional expectations related to RBC. In the ECOWAS region these expectations are driven notably by regulatory developments in key exports markets such as the EU. These developments will likely impact businesses in ECOWAS, since the EU is West Africa's biggest export market, accounting for 20% of exports in 2020 (EC, 2022<sup>[4]</sup>; ECOWAS, n.d.<sup>[5]</sup>). Moreover, the ongoing implementation process of the African Continental Free Trade

Area (AfCFTA) represents a key opportunity to further mainstream RBC in trade relations given the potential socio-economic impacts of a single continental market (UNECA/ FES, 2022<sup>[6]</sup>).

From an investment perspective, there is evidence that RBC policies including labour standards, tenure rights over natural resources, human rights, anti-corruption and integrity have high potential to attract quality investment. An OECD survey on FDI decisions found that strong and effective laws governing RBC represented the policy area which had the strongest positive effect encouraging investment in foreign agri-food markets (Punthakey, 2020<sup>[7]</sup>). Regional analysis of panel data across ECOWAS countries has further confirmed that RBC practices, such as improving the efficacy of anti-corruption measures can be instrumental in attracting FDI and its beneficial effects on economic growth (Asante et al., 2022<sup>[8]</sup>).

### ***The elements of RBC***

Globally, there has been a steady rise in expectations on RBC which is reflected by investors and consumers demanding companies to report and act on RBC, and by a rise in benchmarking and lawsuits against companies regarding human rights and environmental impacts. Provisions on RBC are included increasingly in international trade and investment agreements as well as national and regional development strategies, laws, and regulations.

#### *International instruments on RBC*

Global expectations on RBC are set out and aligned in three main international instruments – the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (MNE Guidelines), the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (Box 6.1).

The MNE Guidelines are the most comprehensive international standard on RBC, providing a set of recommendations to businesses across sectors on responsible conduct in all areas of business ethics, such as governance and disclosure aspects, human rights and labour rights, the environment and climate change, bribery, corruption, consumers' interest or taxation. The MNE Guidelines are part of the OECD Declaration on International Investment and Multinational Enterprises, which, to date, has 51 adherents. All these governments have set up a National Contact Points for Responsible Business Conduct (NCP). The NCPs are agencies established by governments with a twofold mandate: promoting the MNE Guidelines and related due diligence guidance, and handling cases (referred to as “specific instances”) as a non-judicial grievance mechanism.

### **Box 6.1. Overview of main international instruments on RBC**

#### ***International convergence on RBC principles and standards***

The three main instruments that have become key reference points for responsible business, are the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the UN Guiding Principles on Business and Human Rights (UNGPs), and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. They are aligned with and complement each other and set global expectations with regard to responsible conduct. Some of the key areas on which these instruments converge include:

- *Framework for all companies.* International corporate responsibility standards set the expectation that all companies – regardless of their size, sector, operational context, ownership and structure – avoid and address the adverse impacts and contribute to the sustainable development of the countries in which they operate.
- *Common understanding of impact.* The instruments set out that the impact of business activities goes beyond the impact on the company itself and refers to the impact business activities may have on human rights – including labour rights – the environment and society, both positive and negative. The instruments establish a

common understanding that enterprises can cause, contribute to, or be directly linked to adverse impacts, and they provide a framework for how enterprises should avoid and address them.

- *Conducting due diligence.* Businesses should undertake due diligence to identify, prevent and mitigate their actual and potential negative impacts and account for how those impacts are addressed. This process involves meaningful consultation with potentially affected groups and other relevant stakeholders.
- *Responsibility throughout the supply chain.* Responsible business covers not only impacts that a company may cause or contribute to through its own activities but also those impacts directly linked to an enterprise's operations, products or services through its business relationships. This includes business partners, entities in the value chain such as subsidiaries, suppliers, franchisees, joint ventures, investors, clients, contractors, customers, consultants, financial, legal and other advisers, and any other non-state or state entities.
- *Access to remedy.* As part of their duty to protect against business-related adverse impacts, states are expected 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 effective remedy. In addition, where companies identify that they have caused or contributed to adverse impacts, they are expected to address them through providing remedy, and they should provide for or co-operate in this remediation through legitimate processes.

Source: OECD (2023<sup>[9]</sup>); OECD (2018<sup>[10]</sup>); OECD (2015<sup>[11]</sup>); EC (2023<sup>[12]</sup>); UN-OECD-EU-ILO-SDJW (2019<sup>[13]</sup>).

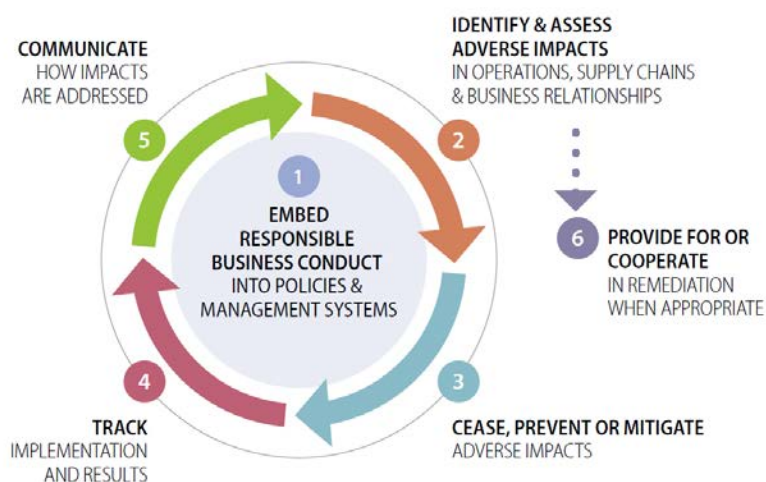
### *Risk-based due diligence*

Conducting risk-based due diligence stands at the heart of RBC and means identifying, preventing and mitigating actual and potential adverse impacts, and accounting for how these impacts are addressed. Unlike many traditional corporate risk management and compliance systems that focus on the company's primary risks, such as financial, market, operational or reputation risks, due diligence considers not only the risks to the company, but also risks that companies can cause, contribute to or to which they are linked along the whole supply chain (OECD, 2018<sup>[10]</sup>).

The OECD Due Diligence Guidance for RBC establishes a six-step process to conduct due diligence that can be translated and used by any enterprise, irrespective of its size, location or sector of its operations (Figure 6.1). This process consists of (1) embedding RBC into the enterprise's policies and management systems, (2) identifying and assessing adverse impacts in operations, supply chains and business relationships, (3) ceasing, preventing or mitigating adverse impacts, (4) tracking implementation and results, (5) communicating how impacts are addressed, and (6) providing for or co-operating in remediation when appropriate. Beyond this cross-sectoral Due Diligence Guidance, the OECD has also developed guidance to provide tailored recommendations in specific sectors, including agriculture, minerals, extractives, garments and footwear, and finance.

Governments around the world are increasingly translating a risk-based due diligence approach into law to enable RBC. Currently 75% of OECD countries have already introduced or are in the process of introducing some sort of regulation embedding requirements of risk-based due diligence including disclosure laws, conduct requirements, and product and trade bans. Several governments such as France, Germany, Switzerland and Norway have been among the first ones to introduce comprehensive legislation, which make it mandatory for companies to carry out effective due diligence processes. At the regional level, the EU adopted a legislative proposal on mandatory due diligence in 2022: the Corporate Sustainability Due Diligence Directive establishes a due diligence duty including both EU and non-EU companies (OECD, n.d.<sup>[14]</sup>; EC, 2022<sup>[4]</sup>).

Figure 6.1. The risk-based due diligence process and supporting measures



Source: OECD (2018<sub>[10]</sub>).

## Promoting RBC in ECOWAS and its Member States

Implementing responsible business practices requires an enabling policy environment at both national and regional level. Policy makers should establish conditions that effectively drive, support and promote responsible business practices. This means putting in place, maintaining *and* effectively enforcing a legal framework in all relevant areas where business intersects with people, planet and society as laid out in the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct (OECD, 2023<sub>[15]</sub>).

### ***Policies and initiatives relevant for RBC at the ECOWAS regional level***

#### *Overarching policies at ECOWAS level*

ECOWAS members have jointly committed to promoting international standards of RBC in relation to international investment in their countries and have established legal frameworks to guide and harmonise policies among Member States with respect to RBC, notably in the ECOWAS Investment Policy (ECOWIP) and the ECOWAS Investment Code (ECOWIC).

The ECOWAS Investment Policy (ECOWIP, 2017) establishes harmonised regional investment-climate policies for the Member States to maximise the economic and social benefits of regional integration in West Africa in line with global best practices. The ECOWIP includes a Chapter 12 dedicated to RBC and the protection of the environment, which is based on the OECD Policy Framework for Investment (ECOWAS, 2018<sub>[16]</sub>). It refers to international best practices and RBC standards covering all types of businesses “regardless of their legal nature, size, ownership structure, or sector of the economy in which they operate”. It acknowledges the shared responsibility of states and enterprises to promote RBC. The policy principles and strategies in Chapter 12 of the ECOWIP highlight the importance of promoting RBC for sustainable development aligned with the OECD standards for RBC along three objectives: first, “promote sustainable and inclusive economic and social development”; second, “avoid and address any materially adverse impacts (e.g. environmental degradation) caused by business activities”; third, “prevent or mitigate negative effects directly linked to the operations, products, or services of business entities”. Among other recommendations and in line with the OECD Policy Framework for Investment, Chapter 12

highlights several ways how governments can enable RBC including regulation, facilitation, co-operation, promotion and exemplification (ECOWAS, 2018<sub>[16]</sub>).

The ECOWIP represents the foundation of the ECOWIC, which provides the legal framework for the implementation of the investment policy. The ECOWIC lays out rules and principles that govern the admission of international investments within the community and provides guidelines for their exploitation. Various articles of the ECOWIC refer to or are linked to RBC, notably in Chapter 6 “Environment and Sustainable Development”, in Chapter 8 “Development, Objectives and Social Responsibility”, and in Chapter 9 “Corruption and Unethical Practices”. Article 34 of the ECOWIC refers directly to Corporate Governance and Responsible Business Conduct. It requires investors in ECOWAS territory to promote and engage in responsible business practices in line with internationally recognised standards. This includes environmental and human rights protection, labour and employment rights including the elimination of child labour (Article 30) and combatting corruption (Article 38). Article 27 explicitly requires investors doing business in ECOWAS to carry out and publish pre-investment environmental and social impact assessments. Member States are further meant to adopt RBC policies and international environmental standards (ECOWAS, 2018<sub>[17]</sub>). Despite these clear requirements relating to RBC, it remains an open question whether the ECOWIC provisions are implemented effectively at national level in the Members States (AfDB, 2020<sub>[18]</sub>).

### *Thematic policies and initiatives at ECOWAS level*

Beyond the ECOWIC and ECOWIP, the Community has put forward a range of policies relating to the role of government in promoting RBC. These policies address the key areas of RBC, notably human and labour rights, children’s rights, climate and environment, as well as anti-corruption in line with key international standards and commitments. An overview of the ECOWAS frameworks relevant to RBC is listed in Table 6.1.

**Table 6.1. ECOWAS policy frameworks related to RBC**

ECOWAS framework	Launch date	Content
ECOWAS Treaty	1975; revised in 1993	Fundamental framework for member countries to drive collaboration, maintain regional peace, protect human rights, and promote economic growth.
ECOWAS Vision 2050	2022	ECOWAS policy directions until 2050
ECOWAS Investment Policy	2018	Policy to promote regional investment and development. Chapter 12 “Responsible Business Conduct and Protection of the Environment”
ECOWAS Common Investment Code	2018	Framework to implement the ECOWAS Investment Policy. Chapter 6 “Environment and Sustainable Development”, in Chapter 8 “Development, Objectives and Social Responsibility”, and in Chapter 9 “Corruption and Unethical Practices”. Article 34 “Corporate Governance and Responsible Business Conduct”
ECOWAS Protocol on the Free Movement of Persons, Residence and Establishment	1979	Protocol to establish the free movement of people, combat human trafficking, and create harmonizing migration policies for the development of members states.
The ECOWAS General Convention on Social Security	2012	Convention to promote the equal treatment between migrant workers and nationals.
ECOWAS Child Policy	2019	Policy to protect children’s rights and create a protective environment for children, free from abuse, exploitation, and violence.
ECOWAS Environmental Policy	2008	Policy for natural resource management and guidance to address environmental problems.
ECOWAS Regional Climate Strategy	2022	Strategy for action against climate change, including adaptation and mitigation efforts.
ECOWAS Protocol on the Fight Against Corruption	2001	Protocol to address and prevent corruption

With respect to human and labour rights, ECOWAS has developed several frameworks and initiatives. ECOWAS does not have its own legal instrument but refers to the provisions of the African Charter on Human and People’s Rights under Article 4g of the revised ECOWAS Treaty. The ECOWAS Child Policy

and Strategic Plan of Action (2019-30) as well as the Child Protection Systems Strengthening Strategic Framework in 2017 aim to end child labour in all its forms by 2025 in line with the SDGs (ECOWAS, 2019<sup>[19]</sup>). ECOWAS also set up a Gender Development Centre in 2003 and adopted a Gender Policy in 2004 to develop policies and advocacy on gender equality and to address issues such as sexual harassment in the workplace (ECOWAS, 2022<sup>[20]</sup>). Moreover, ECOWAS collaborates on the promotion of RBC with relevant human and labour rights organisations in the region, notably the Network of National Human Rights Institutions of West Africa, as well as the UN OHCHR and ILO regional offices in West Africa.

ECOWAS has lately increased its focus on climate change and the environment, but few of the relating policies and initiatives provide concrete guidance for private sector involvement. In 2008, ECOWAS adopted its Environmental Policy, which provides a common framework for natural resource management and guidance to address environmental problems. The 2022 ECOWAS Regional Climate Strategy creates a coherent basis for long-term climate action and is aligned with the African Union (AU) strategy on climate change, the Paris Agreement and the ECOWAS Vision 2050 as well as the African Union Vision 2063 (ECOWAS, 2022<sup>[21]</sup>). The strategy's action plan for 2022-30 aims among others at strengthening ECOWAS co-operation to lower GHG emissions and foresees the elaboration and implementation of a CSR policy for the ECOWAS Commission. ECOWAS has further been involved in various initiatives and partnerships to address deforestation, notably by adopting in 2013 the Convergence Plan for the Sustainable Management and Utilization of Forest Ecosystems in West Africa and by collaborating in its implementation. The plan aims to mobilise political, institutional, financial and technical support to address transboundary forest issues across the ECOWAS Member States (FAO, 2019<sup>[22]</sup>).

In the area of governance, ECOWAS has made efforts and commitments to promote and strengthen the fight against corruption. The ECOWAS Protocol on the Fight Against Corruption was adopted in 2001 and provides guidance to address and prevent acts of corruption both in the public and private sectors. Among others, each Member State is required to establish a specialised and independent anti-corruption agency. Moreover, the protocol aims to harmonise and co-ordinate national anti-corruption laws and policies (ECOWAS, 2001<sup>[23]</sup>). At the initiative of ECOWAS, the Network of National Anti-Corruption Institutions in West Africa was created in 2010, which serves as a forum for exchanges and consultation between national anti-corruption institutions in ECOWAS countries (NACIWA, n.d.<sup>[24]</sup>).

### *Sectoral policies and initiatives at ECOWAS level*

In addition to having developed policies relevant for RBC in the areas covered by the OECD MNE Guidelines, ECOWAS has also elaborated sector-specific policies and initiatives to promote RBC in key economic sectors. Minerals and agriculture, in particular the oil, gold, cocoa beans and natural gas production are the most important sectors for the socio-economic development in West Africa contributing strongly to investment and exports (OEC, 2020<sup>[25]</sup>). These sectors and commodities are especially vulnerable to structural issues such as high rates of informal employment, conflict, child labour and deforestation.

According to the ILO, informal employment in West Africa represents over 90% (ILO, 2021<sup>[26]</sup>). For instance, informality is a prevalent issue in artisanal and small-scale gold mining, with makeshift sites created by “gold rushes” proving particularly challenging to formalise (OECD, 2022<sup>[27]</sup>). Artisanal gold has also been used to circumvent West African exchange-control regulations and the requirement to repatriate foreign currency in transnational schemes involving tax evasion, money laundering and fraud (OECD, 2018<sup>[28]</sup>; ARM, 2016<sup>[29]</sup>). Artisanal and small-scale mining has also been targeted by armed groups to extract rent and finance their operations, especially in the Sahel (ICG, 2019<sup>[30]</sup>; ISS, 2021<sup>[31]</sup>; OECD, 2020<sup>[32]</sup>). Along with informality, child labour remains prevalent in ECOWAS, in particular in the agricultural sector. In the region, 26% of children aged 5-11 were engaged in economic activity in 2020 (ILO, 2022<sup>[33]</sup>). Furthermore, environmental issues, such as deforestation are a long-standing issue closely linked to the



agricultural sector (AUC/OECD, 2022<sup>[34]</sup>). For instance, the cocoa production has proven to cause forest loss and degradation of the region's biodiversity (Sassen et al., 2022<sup>[35]</sup>).

ECOWAS has recognised the responsibility to address these issues through various policies and initiatives. In the mining sector, for instance, the Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector requires companies to engage local communities before and during operations in the mining, oil and gas industries as laid out in Article 16.3 (ECOWAS, 2009<sup>[36]</sup>). ECOWAS has also been engaged with the African Minerals Development Centre hosted by the AU on various policy, research and capacity-building activities to implement the Africa Mining Vision, which aims at the sustainable exploitation of mineral resources (AU, n.d.<sup>[37]</sup>). Moreover, the Inter-Governmental Action Group against Money Laundering in West Africa, an ECOWAS institution established in 1999, as well as the Liptako-Gourma Authority, created in 1970 and promoting mining and agricultural development and security co-operation in Burkina Faso, Mali and Niger have included the OECD Guidance for Responsible Mineral Supply Chains as part of their recommendations (OECD, 2018<sup>[28]</sup>).

In the agricultural sector, ECOWAS adopted a 2025 Strategic Policy Framework for its Agricultural Policy in 2017, which seeks to promote agricultural development and the sustainability of food systems in West Africa. While it does not refer to RBC directly, this framework sets out concrete objectives and targets, which relate to business conduct in the sector, notably animal health, food and nutrition security, and climate change adaptation (ECOWAS, 2022<sup>[38]</sup>; ECOWAS, 2017<sup>[39]</sup>).

The development of these regional policy frameworks and concrete targets in the minerals and agricultural sectors are an important step towards tackling adverse impacts which are linked to business conduct, such as child labour or deforestation. However, these issues continue to be highly prevalent in ECOWAS and the key challenge remains to implement and enforce concrete reforms effectively driving responsible business practices.

### ***Policies and initiatives relevant for RBC at the national level***

Beyond policies and initiatives at the regional level, ECOWAS Member States have also taken measures at the national level that are relevant for RBC. Overall, the 15 ECOWAS Member States, have adhered to several international instruments in areas covered by the OECD MNE Guidelines, such as human rights, labour rights, the environment and governance.

As shown in Table 6.2, all ECOWAS Member States have ratified key climate and governance related agreements such as the Paris Agreement, as well as the UN Convention against Corruption. However, regarding human and labour rights frameworks there remain gaps in the adherence. For instance, not all ECOWAS countries have adhered to all Core UN Conventions on Human Rights nor to all Fundamental ILO Conventions.

Beyond the adherence and ratification of international instruments, strong national policies and strategies are needed to enable and implement RBC. Over the last years, National Action Plan (NAPs) on Business and Human Rights and/or on RBC have been adopted by several countries worldwide to promote an overarching policy framework on RBC and mainstream responsible business expectations across relevant policies.

The development of NAPs in ECOWAS has been limited so far and has stemmed either from a government initiative or from a human rights institution with the support of civil society. Currently, Ghana, Nigeria and Liberia are in the process of developing a NAP (see Table 6.3). In November 2022, Ghana announced its commitment to launch a NAP by July 2023. The Commission on Human Rights and Administrative Justice and academic institutions in Ghana have engaged in conducting research, organizing multi-stakeholder dialogues and other awareness raising and capacity building efforts to help initiate a NAP process. In 2022, the Ghana Institute of Management and Public Administration (GIMPA) undertook a national baseline and gaps assessment of Business and Human Rights in Ghana in collaboration with GIMPA and the Danish



Institute for Human Rights (GIMPA, 2022<sup>[40]</sup>). In Nigeria, efforts to develop a NAP have been led by the National Human Rights Commission of Nigeria (NHRC) and civil society since 2012. A draft NAP was published in 2017. The draft NAP is a working document and anticipates that it will be updated with further inputs to reflect varying regional and geopolitical considerations within the country (NHRC, 2017<sup>[41]</sup>).

In some ECOWAS Member States the commitment to develop a NAP has been included in other government policy measures. This has been the case in Liberia. The government's Pro-Poor Agenda for Prosperity and Development, published in 2018, includes a commitment to develop and implement a NAP. The first step was to include an action point in this regard in the 2013-18 National Human Rights Action Plan (Government of Liberia, 2018<sup>[42]</sup>). In 2019, the Ministry of Justice has chaired a National Steering Committee on Business and Human Rights, which is leading the development of the NAP. The Office of the High Commissioner for Human Rights has provided support to this process in Liberia through capacity-building of stakeholders and awareness-raising activities (OHCHR, 2022<sup>[43]</sup>).

**Table 6.2. Adherence/ Ratification of key international RBC-related frameworks in ECOWAS**

	Core UN Conventions on Human Rights	Voluntary Principles on Security and Human Rights	Fundamental ILO Conventions	Kyoto Protocol	Paris Agreement	Convention on Biological Diversity	UN Convention against Corruption	Extractives Industries Transparency Initiative
BEN	9/9	□	8/10	■	■	■	■	□
BFA	9/9	□	9/10	■	■	■	■	■
CPV	8/9	□	9/10	■	■	■	■	□
CIV	7/9	□	10/10	■	■	■	■	■
GMB	9/9	□	8/10	■	■	■	■	□
GNB	8/9	■	8/10	■	■	■	■	■
GIN	8/9	□	9/10	■	■	■	■	■
LBR	8/9	□	7/10	■	■	■	■	□
MLI	7/9	□	8/10	■	■	■	■	■
NGA	9/9	□	9/10	■	■	■	■	■
SEN	9/9	□	10/10	■	■	■	■	■
SLE	9/9	■	10/10	■	■	■	■	■
TGO	9/9	□	10/10	■	■	■	■	■

Note: ■ = Ratified / member / developed; □ = Not ratified / not member.

**Table 6.3. Development of National Action Plan on Business and Human Rights in ECOWAS**

	BEN	BFA	CPV	CIV	GMB	GHA	GIN	GNB	LBR	MLI	NER	NGA	SEN	SLE	TGO
<b>NAP under development</b>	□	□	□	□	□	■	□	□	■	□	□	■	□	□	□

In addition to these first developments of NAPs, ECOWAS governments have different RBC-related policies and frameworks in place, notably in the extractive and agricultural sectors with respect to environmental and labour issues. For instance, in the extractive sector, most national mining codes include provisions on the protection of the environment (e.g. in Burkina Faso, Guinea, Mali, Niger, Togo). Most governments have also adopted national policies on labour issues in supply chains such as child labour and forced labour. Moreover, several ECOWAS Member States have introduced laws regarding social and environmental impact assessments of public and private investment projects, such as in Cabo Verde (FAO, 2022<sup>[44]</sup>). An overview of relevant policies across countries is listed in Annex 6.A.

Apart from national policies relating to RBC issues, ECOWAS countries, like their counterparts in other regions, have concluded several bilateral trade and investment agreements. These agreements

increasingly include expectations on RBC and related areas such as human rights, climate change and sustainable development (Gaukrodger, 2021<sup>[45]</sup>). For instance, the 2016 Morocco-Nigeria bilateral investment treaty includes provisions on the protection of human rights and on CSR (Zugliani, 2019<sup>[46]</sup>; UNCTAD, 2016<sup>[47]</sup>). A further example which includes all ECOWAS Member States is the new Partnership Agreement between the EU and members of the Organisation of African, Caribbean and Pacific (ACP) States (Post-Cotonou agreement), which aims to guide the political and economic relations between EU and ACP countries. The negotiations were concluded in 2021 but the agreement has not been formally signed yet. The agreement explicitly states that signatories shall promote RBC and prioritises climate change, the environment, and sustainable development. It further references the OECD Guidelines for MNEs on RBC and the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas as well as the UNGPs and the ILO Tripartite Declaration (EC, 2022<sup>[48]</sup>).

### ***Access to remedy for business-related adverse impacts in ECOWAS***

An essential pillar of RBC across international standards is providing access to effective remedy. As part of their duty to protect against business related adverse impacts, States are expected 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 effective remedy (UN-OECD-EU-ILO-SDJW, 2019<sup>[13]</sup>).

At the regional level the ECOWAS Community Court of Justice can play a role in providing access to remedy for business related adverse impacts. Operational since 2000, the Court is mandated with resolving disputes related to the ECOWAS treaty, protocols, and conventions including complaints alleging human rights violations including by businesses in the ECOWAS Member States. It can hear cases even if domestic remedies have not been exhausted, including cases still pending before the national courts, which is an exception among international tribunals. It has adjudicated several significant cases relating to business and human rights, such as the right to equal pay for equal value (Ukaigwe, 2016<sup>[49]</sup>) and is recognised as an innovative mechanism for environmental jurisprudence within Africa. For instance, the Court has ruled on a case relating to the environmental impact of oil companies in Nigeria and another case on the human rights impact of an iron ore project in Guinea (Debevoise & Plimpton, 2021<sup>[50]</sup>; ECOWAS, n.d.<sup>[51]</sup>; FES, 2022<sup>[52]</sup>; UNDP, 2022<sup>[53]</sup>). The Court is further one of the few international judicial bodies, which has explicitly cited international RBC standards in its jurisprudence, notably the UN Guiding Principles on Business and Human Rights.

Beyond this legal mechanism, a non-judicial grievance mechanism accessible for stakeholders in ECOWAS are the National Contact Points for RBC. Any trade union, civil society organisation or community can file a complaint with this mechanism for alleged violations of the OECD Guidelines for Multinational Enterprises on RBC by businesses operating in or from one of the 51 countries that have adhered to this instrument. While none of the ECOWAS Member States has adhered to the Guidelines, several cases have been filed for harm that occurred in the ECOWAS region. Between 2001 and 2022, 21 specific instances have been submitted in relation to business operations in ECOWAS host countries. Most of them concern the mining sector and are linked to environmental, human rights and employment issues.

### ***ECOWAS stakeholders' awareness of RBC and related initiatives***

In parallel to the policies and initiatives taken by ECOWAS and its Member States, businesses and civil society in the region have started to develop or participate in initiatives relevant for RBC. These actions are still at an early stage and need to be further mainstreamed. At the same time, increased uptake of RBC practices requires stronger support from governments to establish enabling policies and regulatory environments promoting RBC.

Across ECOWAS Member States, initiatives by civil society actors, and businesses have increased their focus on promoting responsible business conduct. There is a broad range of Civil Society Organisations active in ECOWAS Member States, advocating to drive forward the RBC agenda notably with respect to the environment and human rights. Some organisations have set up specific programmes to raise awareness on RBC. In Liberia, for instance, the Sustainable Development Institute works on a project to promote corporate governance and social responsibility (SDI Liberia, n.d.<sup>[54]</sup>). Moreover, several organisations are developing RBC-related projects in the mining sector such as the Wassa Association of Communities Affected by Mining in Ghana, Actions Mines Guinée in Guinea, the Fédération des Femmes Minières du Mali and Lumière Synergie pour le Développement in Senegal (see list in Annex 6.A).

Several businesses, notably in the minerals and agricultural sector, have started to engage or collaborate more actively in initiatives to promote responsible supply chains. For instance, 173 companies in the ECOWAS region are participating in the UN Global Compact regional networks, which aim to foster sustainable development in the areas of human rights, labour, environment and anti-corruption (UNGC, 2021<sup>[55]</sup>). Several companies and industry initiatives in West Africa have started programmes which aim to promote formalisation and address issues such as corruption, illicit trade, child labour and deforestation. For instance, the cocoa sector in Côte d'Ivoire and Ghana has seen an increased focus on voluntary sustainability standards, certifications and corporate initiatives implemented by a broad range of stakeholders since the mid-2000s (Ingram et al., 2018<sup>[56]</sup>; AUC/OECD, 2022<sup>[3]</sup>). In the gold mining sector in Burkina Faso, the Responsible Mining Alliance has worked directly with miners to support the creation of legal mining activities (ARM, 2019<sup>[57]</sup>). Moreover, some companies operating in ECOWAS have adopted policies aligned with the OECD due diligence framework. In Burkina Faso, Côte d'Ivoire and Mali and Niger, business and civil society representatives have already been engaged in trainings on the OECD Guidance for Responsible Mineral Supply Chains (ARM, 2022<sup>[58]</sup>).

Moreover, ECOWAS stakeholders are increasingly involved in African continental initiatives on RBC as well. For instance, various representatives from ECOWAS countries including civil society, business and trade unions participated in the first ever African Business and Human Rights Forum in Accra, Ghana in October 2022 to discuss challenges and opportunities for promoting RBC in Africa. However, the general awareness about RBC standards and due diligence approaches remains limited in the region. Case studies on the implementation of due diligence processes in minerals supply chains in Burkina Faso and Nigeria found that the level of knowledge and understanding of international due diligence frameworks and supply chain traceability was very low (BGR, 2022<sup>[59]</sup>).

While awareness about the relevance and the elements of RBC has increased among stakeholders in West Africa, ECOWAS and its Member States have set out concrete policies to promote RBC in line with international standards. Yet, there is still a way to go in the implementation and enforcement of these policies and in building the capacity of companies to carry out due diligence. This will require a joint effort between governments, business and civil society. By effectively promoting RBC, ECOWAS can seize the opportunity to strengthen sustainable value chains, to attract quality investment and to take the next steps towards sustainable development.

## References

AfDB (2020), *WEST AFRICA REGIONAL INTEGRATION STRATEGY PAPER 2020-2025*,  
<https://www.afdb.org/en/documents/west-africa-regional-integration-strategy-paper-2020-2025-0>.

[18]

- ARM (2022), *Training program on the OECD due diligence guidance for responsible mineral supply chains from conflict-affected and high-risk areas*, Alliance for Responsible Mining, <https://www.responsiblemines.org/en/project/training-due-diligence/>. [58]
- ARM (2019), *Support for the creation of a legal artisanal and small-scale mining (ASM) activity in Burkina Faso*, <https://www.responsiblemines.org/en/project/support-for-the-creation-of-a-legal-artisanal-and-small-scale-mining-asm-activity-in-burkina-faso/>. [57]
- ARM (2016), *Supply Chains of Artisanal Gold in West Africa*, Alliance for Responsible Mining, [https://www.responsiblemines.org/wp-content/uploads/2018/04/Publication-supply-chains-artisanal-gold-west-africa\\_-ENGL\\_-baja.pdf](https://www.responsiblemines.org/wp-content/uploads/2018/04/Publication-supply-chains-artisanal-gold-west-africa_-ENGL_-baja.pdf). [29]
- Asante et al. (2022), *Foreign direct investment and economic growth nexus in ECOWAS: The leveraging effect of anti-corruption*, <https://doi.org/10.20885/ejem.vol14.iss2.art3>. [8]
- AU (n.d.), *African Minerals Development Centre*, <https://au.int/en/amdc>. [37]
- AUC/OECD (2022), *Africa's Development Dynamics 2022: Regional Value Chains for a Sustainable Recovery*, OECD Publishing, Paris/African Union Commission, Addis Ababa, <https://doi.org/10.1787/2e3b97fd-en>. [34]
- AUC/OECD (2022), "Integrating value chains in West Africa and the agri-food industry", in *Africa's Development Dynamics 2022: Regional Value Chains for a Sustainable Recovery*, OECD Publishing, Paris, <https://doi.org/10.1787/e68c02a0-en>. [3]
- BGR (2022), *The implementation of due diligence in 3TG supply chains*, <https://rue.bmz.de/resource/blob/116500/fba09fda1b0e0b8b8be4f6a1b6e28568/bgr-3tg-study-2022-data.pdf>. [59]
- Debevoise & Plimpton (2021), *UN Guiding Principles on Business and Human Rights at 10*, <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNGPsBHRnext10/debevoise.pdf>. [50]
- EC (2022), *ACP-EU partnership*, [https://international-partnerships.ec.europa.eu/policies/european-development-policy/acp-eu-partnership\\_en](https://international-partnerships.ec.europa.eu/policies/european-development-policy/acp-eu-partnership_en). [48]
- EC (2022), *Corporate sustainability due diligence*, European Commission, [https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence\\_en](https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en). [4]
- ECOWAS (2022), *Economic Community of West Africa Agricultural Policy (ECOWAP)*, <https://ecowap.ecowas.int/about-ecowap>. [38]
- ECOWAS (2022), *ECOWAS Gender Development Centre*, <https://ccdgc.ecowas.int/>. [20]
- ECOWAS (2022), *ECOWAS Regional Climate Strategy (RCS) And Action plan (2022-2030)*, [http://www.climatestrategy.ecowas.int/images/documentation/ECOWAS%20Regional%20Climate%20Strategy\\_adopted%20june%202022.pdf](http://www.climatestrategy.ecowas.int/images/documentation/ECOWAS%20Regional%20Climate%20Strategy_adopted%20june%202022.pdf). [21]
- ECOWAS (2019), *ECOWAS Child Policy 2019-2030*, <https://ecowas.int/wp-content/uploads/2022/03/ECOWAS-CHILD-POLICY-ENG-CON-Printed.pdf>. [19]
- ECOWAS (2018), *ECOWAS Common Investment Code*, <https://wacomp.projects.ecowas.int/wp-content/uploads/2020/03/ECOWAS-COMMON-INVESTMENT-CODEENGLISH.pdf>. [17]

- ECOWAS (2018), *ECOWAS Investment Policy*, <https://wacomp.projects.ecowas.int/wp-content/uploads/2020/03/ECOWAS-INVESTMENT-POLICY-ENGLISH.pdf>. [16]
- ECOWAS (2017), *2025 ECOWAP Strategic Policy Framework*, <http://araa.org/sites/default/files/media/ECOWAP%202025%20Strategic%20Policy%20Framework%20ENG.pdf>. [39]
- ECOWAS (2009), *DIRECTIVE C/DIR.3/05/09*, [http://ecowas.akomantoso.com/lang/en-US/doc/iri/akn/ecowas/statement/directive/2009-05-27/C\\_DIR.3\\_05\\_09/eng@/!main](http://ecowas.akomantoso.com/lang/en-US/doc/iri/akn/ecowas/statement/directive/2009-05-27/C_DIR.3_05_09/eng@/!main). [36]
- ECOWAS (2001), *Economic Community of West African States Protocol on the Fight against Corruption*, [https://eos.cartercenter.org/uploads/document\\_file/path/406/ECOWAS\\_Protocol\\_on\\_Corruption.pdf](https://eos.cartercenter.org/uploads/document_file/path/406/ECOWAS_Protocol_on_Corruption.pdf). [23]
- ECOWAS (n.d.), *Import and export*, <https://ecoslate.github.io/doing-business-in-ecowas/import-and-export/index.htm>. [5]
- ECOWAS (n.d.), *The Community Court of Justice*, <https://ecowas.int/institutions/community-court-of-justice/>. [51]
- European Commission (2023), *Corporate social responsibility & Responsible business conduct*, European Commission, [https://ec.europa.eu/growth/industry/sustainability/corporate-social-responsibility\\_en](https://ec.europa.eu/growth/industry/sustainability/corporate-social-responsibility_en). [12]
- FAO (2022), *FAOLEX Database, Cabo Verde. Decree-Law No. 27/2020 approving the Legal Framework for Environmental Impact Assessment (EIA)*, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC194850/>. [44]
- FAO (2019), *Global transformation of forests for people and climate: A focus on West Africa*, <https://www.fao.org/redd/news/detail/en/c/1235031/>. [22]
- FES (2022), *The State of Business and Human Rights in Africa*, <https://library.fes.de/pdf-files/bueros/fes-ua/19589-20221107.pdf>. [52]
- Gaukrodger, D. (2021), “The future of investment treaties - possible directions”, *OECD Working Papers on International Investment*, No. 2021/03, OECD Publishing, Paris, <https://doi.org/10.1787/946c3970-en>. [45]
- GIMPA (2022), *Ghana National Baseline Assessment*, <https://chraj.gov.gh/wp-content/uploads/2022/07/Baseline-Assessment-of-Business-and-Human-Rights.pdf>. [40]
- Government of Liberia (2018), *Pro Poor Agenda For Prosperity And Development*, <https://globalnaps.org/wp-content/uploads/2019/01/liberia-national-development-agenda-pro-poor-agenda.pdf>. [42]
- ICG (2019), *Getting a Grip on Central Sahel’s Gold Rush*, *International Crisis Group*, <https://icg-prod.s3.amazonaws.com/282%20Getting%20a%20Grip%20.pdf>. [30]
- ILO (2022), *ILOSTAT, SDG indicator 8.7.1 - Proportion of children engaged in economic activity (%) | Annual*, <https://ilostat.ilo.org/data/>. [33]

- ILO (2021), *Employment impact assessments in Africa: Application and suitability of local multiplier analysis*, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/documents/publication/wcms\\_835560.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_835560.pdf). [26]
- Ingram, V. et al. (2018), *The Impacts of Cocoa Sustainability Initiatives in West Africa*, <https://doi.org/10.3390/su10114249>. [56]
- ISS (2021), *Preventing violent extremism in south-eastern Senegal*, Institute for Security Studies, <https://issafrica.org/iss-today/preventing-violent-extremism-in-south-eastern-senegal>. [31]
- NACIWA (n.d.), NACIWA, <https://naciwa.org/>. [24]
- NHRC (2017), *National Action Plan on Business and Human Rights*, <https://globalnaps.org/wp-content/uploads/2017/11/nhr-national-action-plan.pdf>. [41]
- OECD (2020), *ECOWAS trade profile*, [https://oec.world/en/profile/international\\_organization/ecowas](https://oec.world/en/profile/international_organization/ecowas). [25]
- OECD (2023), *OECD Guidelines for Multinational Enterprises, 2023 Edition*, OECD Publishing, Paris, <https://doi.org/10.1787/81f92357-en>. [9]
- OECD (2023), *OECD Recommendation on the Role of Government in promoting Responsible Business Conduct*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0486>. [15]
- OECD (2022), *Natural Resource Governance and Fragility in the Sahel*, [https://www.oecd.org/dac/2022\\_Natural\\_resource\\_governance\\_fragility\\_Sahel.pdf](https://www.oecd.org/dac/2022_Natural_resource_governance_fragility_Sahel.pdf). [27]
- OECD (2021), *Survey Results on Responsible Business Conduct in Latin America*, <https://mneguidelines.oecd.org/oecd-business-survey-results-on-responsible-business-conduct-in-latin-america-and-the-caribbean.pdf>. [1]
- OECD (2020), *Illicit financial flows: artisanal and small-scale gold mining in Ghana and Liberia*, <https://delvedatabase.org/uploads/resources/Illicit-financial-flows-Artisanal-and-Small-scale-Gold-mining-in-Ghana-and-Liberia.pdf>. [32]
- OECD (2018), *Gold at the crossroads - Assessment of the supply chains of gold produced in Burkina Faso, Mali and Niger*, <http://mneguidelines.oecd.org/Assessment-of-the-supply-chains-of-gold-produced-in-Burkina-Faso-Mali-Niger.pdf>. [28]
- OECD (2018), *OECD Due Diligence Guidance for Responsible Business Conduct*, OECD Publishing, <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>. [60]
- OECD (2018), *OECD Due Diligence Guidance for Responsible Business Conduct*. [10]
- OECD (2015), *OECD Policy Framework for Investment 2015 Edition*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264208667-en>. [11]
- OECD (n.d.), *OECD Due Diligence Policy Hub*, <http://mneguidelines.oecd.org/due-diligence-policy-hub.htm>. [14]
- OHCHR (2022), *Business and Human Rights (BHR) Africa Project*, <https://www.ohchr.org/en/business/bhr-africa>. [43]

- Punthakey, J. (2020), “Foreign direct investment and trade in agro-food global value chains”, *OECD Food, Agriculture and Fisheries Papers*, No. 142, OECD Publishing, Paris, <https://doi.org/10.1787/993f0fdc-en>. [7]
- Sassen et al. (2022), *Patterns of (future) environmental risks from cocoa expansion and intensification in West Africa call for context specific responses*, <https://doi.org/10.1016/j.landusepol.2022.106142>. [35]
- SDI Liberia (n.d.), *Community Rights and Corporate Governance*, <https://www.sdiliberia.org/index.php/Community-Rights-and-Corporate-Governance>. [54]
- Ukaigwe, J. (2016), *ECOWAS Law*, <https://doi.org/10.1007/978-3-319-26233-8>. [49]
- UNCTAD (2016), *Morocco-Nigeria Bilateral Investment Agreement*, <https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5409/download>. [47]
- UNDP (2022), *A Baseline Assessment on Business and Human Rights in Africa*, <https://www.undp.org/sites/g/files/zskgke326/files/2022-10/Baseline%20Assessment%20BHR%20Report%20EN%20-%20web.pdf>. [53]
- UNECA/ FES (2022), *The Continental Free Trade Area (CFTA) in Africa – A Human Rights Perspective*, [https://www.ohchr.org/sites/default/files/Documents/Issues/Globalization/TheCFTA\\_A\\_HR\\_ImpactAssessment.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Globalization/TheCFTA_A_HR_ImpactAssessment.pdf). [6]
- UNGC (2021), *Un Global Compact Africa Strategy 2021-2023*, [https://ungc-communications-assets.s3.amazonaws.com/docs/publications/UNGC\\_Mobilising%20Business%20in%20Africa\\_2021\\_2023.pdf](https://ungc-communications-assets.s3.amazonaws.com/docs/publications/UNGC_Mobilising%20Business%20in%20Africa_2021_2023.pdf). [55]
- UN-OECD-EU-ILO-SDJW (2019), *Responsible business: key messages from international instruments*, United Nations, OECD, European Union, International Labour Organization, Social Justice Decent Work, <https://mneguidelines.oecd.org/Brochure-responsible-business-key-messages-from-international-instruments.pdf>. [13]
- WBA (2021), *COVID-19 and Human Rights, World Benchmarking Alliance*, [https://assets.worldbenchmarkingalliance.org/app/uploads/2021/02/CHBR-Covid-Study\\_110221\\_FINAL.pdf](https://assets.worldbenchmarkingalliance.org/app/uploads/2021/02/CHBR-Covid-Study_110221_FINAL.pdf). [2]
- Zugliani, N. (2019), *HUMAN RIGHTS IN INTERNATIONAL INVESTMENT LAW: THE 2016 MOROCCO–NIGERIA BILATERAL INVESTMENT TREATY*, <https://doi.org/10.1017/S0020589319000174>. [46]



# Annex 6.A. RBC related frameworks and initiatives

## National frameworks related to RBC

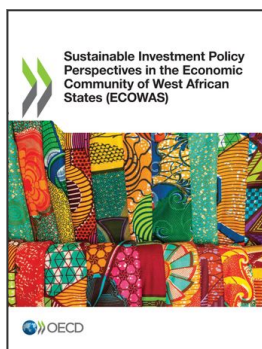
	Specific Frameworks/Policies Related to RBC
<b>Benin</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2006 Mining Code and Mining Taxation Title 4 Chapter 1: Obligations for Mining Titleholders</li> <li>• <b>Environment:</b> 2017 Decree No. 2017-332 on the organisation of environmental assessment procedures</li> <li>• <b>Climate Change:</b> 2016-25 Low-Carbon and Climate-Resilient Development Strategy</li> <li>• <b>Labour Standards:</b> 2018 Criminal Code of Benin on Child Labour, Child Trafficking, Slavery, Trafficking</li> <li>• <b>Other:</b> 2016 Law No. 2016-24 on the legal framework of the public-private partnership</li> </ul>
<b>Burkina Faso</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2015 Burkina Faso Mining Code Section 2: Respect of Human Rights; Chapter 4: Hygiene, Health, and Safety at work in Mines and Quarries; Chapter 5: Preservation of the Environment</li> <li>• <b>Environment:</b> 2013 Law No. 006-2013/AN on the Environmental Code of Burkina Faso Article 46 and Article 102</li> <li>• <b>Labour Standards:</b> 2008 Law No. 029-2008/AN on the Fight against Trafficking in Persons and Similar Practices on Child Trafficking, Slavery, Trafficking</li> <li>• <b>Agriculture:</b> 2018 Law No. 017-2018/AN on the Code of Agro-sylvo-pastoral fisheries and Wildlife Investments in Burkina Faso</li> <li>• <b>Other:</b> 2019 Law No. 038-2018/AN Investment Code</li> </ul>
<b>Cabo Verde</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2015 Decree-Law No. 3/2015 establishing the legal framework for mineral exploration Chapter 6: Environmental Protection</li> <li>• <b>Environment:</b> 2020 Decree-Law No. 27/2020 approving the Legal Framework for Environmental Impact Assessment (EIA)</li> <li>• <b>Labour Standards:</b> 2015 Penal Code on Child Labour, Slavery, Trafficking</li> <li>• <b>Other:</b> 2012 Law No. 13/VIII/2012 on the Code of Investments</li> </ul>
<b>Côte D'Ivoire</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2014 Mining Code Chapter 9: Rights and Obligations Attached to the Performance of Mining or Quarrying Operations</li> <li>• <b>Environment:</b> 1996 Law No. 96-766 on the Environmental Code</li> <li>• <b>Climate Change:</b> 2019 Côte d'Ivoire Climate-Smart Agriculture Investment Plan</li> <li>• <b>Labour Standards:</b> 2016 Law No. 2016-111 on the Fight Against Trafficking in Persons</li> <li>• <b>Agriculture:</b> 2015 Law No. 2015-537 on Agricultural Orientation of Côte d'Ivoire</li> <li>• <b>Other:</b> 2018 Investment Code Chapter 2: Investor Obligations (Article 36)</li> </ul>
<b>The Gambia</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2005 Mines and Quarries Act – Act no. 7</li> <li>• <b>Environment:</b> 1994 National Environment Management Act</li> <li>• <b>Climate Change:</b> 2021-50 The Gambia Climate Vision</li> <li>• <b>Labour Standards:</b> 2010 Women's Act (Act No. 12/2010) on Trafficking</li> <li>• <b>Agriculture:</b> 2017-26 The Agriculture and natural resources (ANR) Policy</li> <li>• <b>Other:</b> 2016-26 The National Entrepreneurship Policy</li> </ul>
<b>Ghana</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2006 Minerals and Mining Act Section 18: Forestry and Environmental Protection</li> <li>• <b>Environment:</b> 1994 Environmental Protection Agency (EPA) Act (Act 490)</li> <li>• <b>Climate Change:</b> 2013 National Climate Change Policy Framework</li> <li>• <b>Labour Standards:</b> 1998 Children's Act on Child Labour</li> <li>• <b>Other:</b> 2009 Voluntary Partnership Agreement Between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community</li> </ul>
<b>Guinea</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2016 Guinea Mining Code Chapter 7: Environment and Health</li> <li>• <b>Environment:</b> 2019 Law L/2019/0034/AN on the Environmental Code</li> <li>• <b>Labour Standards:</b> 2008 Children's Code of Guinea (Law No. L/2008/011/AN) on Child Labour and Child Trafficking</li> <li>• <b>Agriculture:</b> 2018-25 National Plan for Agricultural Investment and Food and Nutritional Security</li> <li>• <b>Other:</b> 2007 Corporate Social Responsibility Policy Letter and Local Content Policy Letter in the Mining sector</li> </ul>
<b>Guinea-Bissau</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2014 Mining and Quarrying Code Section 2: Preservation of the Environment</li> <li>• <b>Environment:</b> 2017 Decree No. 7/2017 approving the Regulation on the Environmental and Social Impact Assessment</li> <li>• <b>Labour Standards:</b> 2011 Law to Prevent and Combat Human Trafficking</li> <li>• <b>Other:</b> 2011 Law no. 3/2011 Investment Code</li> </ul>
<b>Liberia</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2014 Mining and Quarry Code Section 2: Preservation of the Environment; Sector 3: Hygiene and Safety</li> <li>• <b>Environment:</b> 2002 Environment Protection and Management Law</li> <li>• <b>Climate Change:</b> 2018 National Policy and Response Strategy on Climate Change</li> <li>• <b>Labour Standards:</b> 2015 Decent Work Act Liberia on Child Labour, Child Trafficking, Forced Labour, Other, Slavery</li> <li>• <b>Other:</b> 2015 Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia</li> </ul>
<b>Mali</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2019 Mining Code Chapter 4: Hygiene, Health, and Security; Chapter 5: Environment and Cultural Heritage Protection; Chapter 6: Community Development</li> </ul>

	<p>2 015 Hydrocarbon Code Chapter 3: Environment, hygiene, health, safety and cultural heritage</p> <ul style="list-style-type: none"> <li>• <b>Environment:</b> 2013 Interministerial Order No. 2013-0256-MEA-MATDAT-SG setting the terms of public consultation on Environmental and Social Impact Assessment</li> <li>• <b>Climate Change:</b> 2011 National Policy on Climate Change</li> <li>• <b>Labour Standards:</b> 2002 Child Protection Code</li> <li>• <b>Agriculture:</b> 2019 Climate-Smart Agriculture Investment Plan</li> <li>• <b>Other:</b> 2018 Law No. 2018-033 relating to fraudulent commercial practices</li> </ul>
<b>Niger</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2007 Mining Code Article 99: Mine or quarry substances mining and the environment 2 019 Petroleum Policy E.7 Environmental and Social Impacts</li> <li>• <b>Environment:</b> 2018 Law No. 2018-28 on the fundamental principles of Environmental Assessment</li> <li>• <b>Climate Change:</b> 1998 Law no. 98-56 (Framework Law on Environmental Management)</li> <li>• <b>Labour Standards:</b> 2012 Decree No. 2012-082 / PRN / MJ on Child Labour and Forced Labour</li> <li>• <b>Agriculture:</b> 2010 Ordinance No. 2010-29 on pastoralism</li> <li>• <b>Other:</b> 2014 Law 2014-09 Investment Code Chapter 2: Obligations</li> </ul>
<b>Nigeria</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2007 The Nigerian Extractive Industries Transparency Initiative Act 2 006 National Oil Spill Detection and Response Agency Act</li> <li>• <b>Environment:</b> 1992 Environmental Impact Assessment Act</li> <li>• <b>Climate Change:</b> 2021 Climate Change Act</li> <li>• <b>Labour Standards:</b> 2003 Child's Right Act on Child Labour, Forced Labour, and Slavery</li> <li>• <b>Other:</b> 2011 Nigerian Securities and Exchange Commission Code of Corporate Governance for Public Companies 2 012 Implementation of Sustainable Banking Principles by banks, discount houses, and development finance institutions in Nigeria</li> </ul>
<b>Senegal</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2019 Law No. 2019-03 Petroleum Code</li> <li>• <b>Environment:</b> 2001 Decree No. 2001-282 on the Environmental Code</li> <li>• <b>Climate Change:</b> 2020 The Senegal Investment Climate Reform Action Plan</li> <li>• <b>Labour Standards:</b> 1997 Labour code (Law No. 97-17) on Forced Labour</li> <li>• <b>Other:</b> 2020-24 National Strategy for the fight against corruption</li> </ul>
<b>Sierra Leone</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2009 The Mines and Minerals Act Part 15: Protection of the Environment; Part 16: Community Development; Part 17: Health and Safety</li> <li>• <b>Environment:</b> 2010 Environment Protection Agency (Environmental Impact Assessment Licence)</li> <li>• <b>Labour Standards:</b> 2005 Anti-Human Trafficking Act on Child Trafficking and Forced Labour</li> <li>• <b>Other:</b> 2008 Anti-Corruption Act</li> </ul>
<b>Togo</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 1996 Mining Code Article 34: Protection of the Environment 2 011 Law No. 2011-008 on the contribution of mining companies to the local and regional development</li> <li>• <b>Environment:</b> 2022-29 Decree No. 2016-007/PR On management bodies for the reduction of greenhouse gas emissions due to deforestation and forest degradation (REDD+)</li> <li>• <b>Climate Change:</b> 2018 National Adaptation Plan on Climate Change</li> <li>• <b>Labour Standards:</b> 2015 Penal Code on Child Trafficking, Forced Labour, Slavery, and Trafficking</li> <li>• <b>Other:</b> 2019 Law No. 2019-005 on the Investment Code</li> </ul>
<b>Regional/ Continental</b>	<ul style="list-style-type: none"> <li>• <b>Extractive Sector:</b> 2009 Directive C/DIR.3/5/09 on the harmonisation of guiding principles and policies for the mining sector of ECOWAS</li> <li>• <b>Environment:</b> 1968 African Convention on the Conservation of Nature and Natural Resources (revised 2013)</li> <li>• <b>Labour Standards:</b> 2020 African Union Ten Year Action Plan to Eradicate Child Labour, Forced Labour, Human Trafficking and Modern Slavery (2020- 2030) 1 990 African Union Charter on the Rights and Welfare of the Child</li> <li>• <b>Other:</b> 2003 African Convention on Preventing and Combating Corruption 2 016 Pan-African Investment Code Article 22: Corporate Social Responsibility; Article 24: Business Ethics and Human Rights; Article 34: Labor Issues; Article 37: Environment</li> </ul>

## CSOs working on RBC related issues

Country	Organisation	Website	RBC related programmes
Benin	Nature Tropicale ONG	<a href="http://www.naturetropicale.org">www.naturetropicale.org</a>	Environment, climate change
	La Dynamique OSCAF		
Burkina Faso	Optimum Travail du Burkina		
Côte d'Ivoire	Groupe de Recherche et de Plaidoyer sur les Industries Extractives		
Ghana	Center for Indigenous Knowledge and Organizational Development	<a href="https://cikodgh.com/">https://cikodgh.com/</a>	Indigenous Rights, sustainable development and agriculture

	Livelihood and Environment Ghana		
	Wassa Association of Communities Affected by Mining	<a href="http://www.wacamgh.org/">http://www.wacamgh.org/</a>	Human Rights, environment, mining
	Strategic Youth Network Development		
Guinea	Centre de Commerce International pour le Développement		
	Actions Mines Guinee	<a href="https://actionminesguinee.org/">https://actionminesguinee.org/</a>	Mining, sustainable development
Libera	Committee for Peace and Development Advocacy		
	Green Advocates		
	Sustainable Development Institute	<a href="https://sdiliberia.org/">https://sdiliberia.org/</a>	Natural resource management, corporate governance and social responsibility
Mali	African Mining Alliance		
	Fondation pour le développement au Sahel		
	Fédération des Femmes Minières du Mali		
Niger	Collectif des Organisations de Défense des Droits de L'Homme et de la Démocratie		
Nigeria	African Law Foundation		
	Civil Society Legislative Advocacy Centre		
	Community Enhancement and Environmental Awareness Foundation		
	Community Policing Partners for Justice, Security and Democratic Reforms		
	Environmental Rights Action		
	Foundation For Environmental Rights, Advocacy & Development		
	Foundation for the Conservation of the Earth		
	Global Rights Nigeria	<a href="https://www.globalrights.org/ng/">https://www.globalrights.org/ng/</a>	Human Rights, governance, business and human rights
	Leadership Initiative for Transformation and Empowerment		
	Peace Point Development Foundation		
	Support Initiative for Sustainable Development		
Senegal	Lumière Synergie pour le Développement	<a href="http://www.lsdseegal.org">www.lsdseegal.org</a>	Mining, sustainable development
	Enda Lead Afrique Francophone		
Sierra Leone	Community Advocacy and Development Movement		
	Network Movement for Justice & Development		
	Women's Center for Good Governance and Human Rights		
Togo	ONG Dimension Humaine		
	Programme d'Appui à la Femme et à l'Enfance Déshéritée		
	Association pour l'Auto-promotion des communautés de Base		



**From:**  
**Sustainable Investment Policy Perspectives in the  
Economic Community of West African States  
(ECOWAS)**

**Access the complete publication at:**

<https://doi.org/10.1787/654e2de5-en>

**Please cite this chapter as:**

OECD (2024), "Promoting and enabling responsible business conduct", in *Sustainable Investment Policy Perspectives in the Economic Community of West African States (ECOWAS)*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/f90d14f0-en>

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area. Extracts from publications may be subject to additional disclaimers, which are set out in the complete version of the publication, available at the link provided.

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <http://www.oecd.org/termsandconditions>.