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POLICY BRIEF

April 2024

Inclusion of Women and Peace in National Action Plans on Business and Human Rights (NAP BHR)

- Key Takeaways from Stakeholder Engagements in Liberia and Sierra Leone

Executive summary

In recent years, the number of countries adopting National Action Plans on Business and Human Rights (NAPs BHR) has increased. Liberia and Sierra Leone are two of the first countries in West Africa to initiate such processes. At the time of writing, Liberia is in the final stages of drafting their NAP, while Sierra Leone has developed a draft National Policy on BHR, as a precursor to a formal NAP BHR.

This briefing focuses on women and peace as two important aspects of these NAPs BHR in the contexts of Liberia and Sierra Leone. Although the examples are case specific, many of the takeaways are relevant for other countries that are developing or updating similar action plans. Focusing on women and peace is particularly important in Liberia and Sierra Leone since both countries share a history of business-related conflict, tensions around land and natural resources,

KEY RECOMMENDATIONS FOR STATE ACTORS INVOLVED IN THE NAP BHR

- Include clauses on conflict- and gender-sensitive human rights due diligence in the NAPs BHR in line with the UN Guiding Principles on Business and Human Rights.
- Ensure inclusive and transparent NAP BHR process, in line with the United Nations Working Group on Business and Human Rights (UNWGs) recommendations in the Guidance on NAP BHR, by:
 - 1) including relevant CSOs and women that are directly impacted by business operations into consultations, validations, and update/review processes of the NAP BHR,
 - 2) publicly disclosing information about the NAP BHR content, procedural steps and actors involved.

Abbreviations

BHR = Business, and Human Rights

BHRE = Business, Human Rights and Environment

CSO/CSOs = Civil Society Organisation / Civil Society Organisations

DIHR = The Danish Institute for Human Rights

FBA = Folke Bernadotte Academy

FPIC = Free, Prior, and Informed Consent

GAI = Green Advocates International

INCHR = the Independent National Commission on Human Rights

NAP BHR/NAPs BHR = National Action Plan on Business and Human Rights/National Action Plans on Business and Human Rights

NHRI = National Human Rights Institution

OHCHR = the Office of the United Nations High Commissioner for Human Rights

SiLNoRF = Sierra Leone Network on the Right to Food

UNDP = United Nations Development Programme

UNGPs = the UN Guiding Principles on Business and Human Rights

UNMIL = The United Nations Mission in Liberia

UNWG = United Nations Working Group on Business and Human Rights

and exclusion of women in decision-making and ownership of such resources.

In 2023, Liberia held its first election since the United Nations Peacekeeping Mission in Liberia (UNMIL) left the country, marking 20 years since the Accra Peace Agreement that ended the Second Civil War.¹ The 2023 elections in Sierra Leone also marked more than 20 years of peace since the 1999 Lomé Peace Agreement.² At the same time, many peacebuilding challenges remain in both countries – such as weak governance structures, land disputes, corruption, concession-related tensions, and the exclusion of women in decision-making. In order to sustain peace, prevent conflict and build inclusive economic development, BHR should be addressed together with the peacebuilding agenda, as well as including analysis of gendered impacts.

Swedwatch has worked in Liberia and Sierra Leone for two decades, focusing on issues such as business, human rights, and environment, (BHRE) and sustaining peace,³ the gender and social conflict impacts of land concessions,⁴ and the environmental and human rights impacts of rubber plantations.⁵ This briefing summarises key

takeaways from a series of activities from March 2023 to April 2024 carried out by Swedwatch and partner organisations Sierra Leone Network on the Right to Food (SiLNoRF) and Green Advocates International (GAI) in the two countries. These activities included BHR trainings, multi-stakeholder dialogues, a roundtable, peer-to-peer meetings at the community level, radio shows, engagement with stakeholders, facilitation of participation of women in a formal NAP validation workshop, and an analysis of the draft NAP BHR in Liberia and the draft National Policy on BHR in Sierra Leone.

The briefing and its recommendations are directed at duty bearers involved in the development or implementation of a NAP BHR, such as NAP steering committees, advisories, national human rights institutions (NHRIs), ministries and business actors. The issues are also relevant for other actors involved in NAP BHR processes and those that are affected by its content, such as workers, communities, women, and indigenous groups. It is also useful for practitioners and experts working on gender and/or peacebuilding.

Recommendations

TO STATE ACTORS

- Clearly address the interlinkages between BHRE, women and peace in the problem description of the NAP BHR, to address the inherent risks in the current extractive, land-intense, business- and economic growth models, to avoid recurrence of past ills.
- Include guidance on gender- and conflict sensitive (heightened) due diligence in the NAP BHR. (Business actors, on their end, should comply with such guidelines on heightened and gender-sensitive human rights due diligence, once in place).
- Increase awareness of BHR and the NAP BHR among state actors, business actors, and civil society.
- Analyse gendered impacts in relation to BHR, and identify measures that can improve respect for women’s rights in relation to business operations.
- Include women in the NAP BHR processes, in both consultations and review processes.
- Provide public information on the NAP BHR, in English, Krio (an English-based Creole language of Sierra Leone) and Liberian Pidgin English.

TO ALL ACTORS INVOLVED IN THE DEVELOPMENT OR IMPLEMENTATION OF NAPS BHR

- Develop lessons learned from other NAPs, i.e. NAPs on women, security and peace.
- Exchange and develop lessons learned regionally.

TO THE UN PEACEBUILDING COMMISSION

- Include women, peace, and BHRE in international peacebuilding interventions, programmes, and recommendations.

1. Introduction

In recent years, an increasing number of countries have developed NAPs BHR with the aim of increasing respect for human rights in connection to business activities, through improved implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs). Around 33 countries in the world have already adopted a NAP, and an estimated 13 countries have a NAP development process underway.⁶

Kenya and Uganda were the first countries to adopt NAPs in Africa in 2021. Similar processes are now underway in several countries in West Africa - in Liberia, Sierra Leone, and Ghana. Nigeria adopted a NAP BHR in 2023.⁷ In Liberia, the intention to develop a NAP was outlined in the Pro-Poor Agenda for Prosperity and Development in 2018.⁸ In Sierra Leone, a formal NAP process has not been initiated. However, a National Policy on Business and Human Rights is being developed as a precursor to a NAP.⁹

Box 1 / What is a National Action Plan on Business and Human Rights (NAP BHR)?

Since their endorsement in 2011 by the UN Human Rights Council, the UN Guiding Principles on Business and Human Rights (UNGPs) are the leading international framework for preventing, addressing, and remediating business-related human rights abuses. A National Action Plan on Business and Human Rights (hereafter: NAP BHR) is an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UNGPs”. Several international bodies, including the European Commission, the UN Human Rights Council and the UNWG, recommend states to develop a NAP on BHR.

Why should countries adopt a NAP BHR?

Legal frameworks for BHR are not limited to one policy or regulation but rather span across multiple frameworks, for example: environmental law, labour law, gender- and participatory rights. A NAP can provide a common framework for such business-related laws and policies and clearly spell out the duties of states and business actors in respecting and protecting human rights in relation to business operations. The development of a NAP can also push BHR higher up the political agenda. NAP BHRs can also be an instance to identify the need for new laws, or identify gaps in existing laws and policies.

“In most human rights frameworks, states are mentioned but businesses are left out. The UNGPs and NAPs BHR outlines businesses as duty bearers too. BHR is still seen as an expert area, while

other human rights issues are understood to span over several ministries. A wide range of ministries needs awareness and expertise about NAPs BHR, for instance the Ministry of Labour, Ministry of Gender, Ministry of Trade, Environmental Protection Agency, to mention only a few.”

Christopher Odyek Ogwang, Technical lead NAP BHR, OHCHR Liberia. From Roundtable on the NAP BHR, 11 March 2024, Monrovia.

Developing a NAP BHR can also contribute to awareness-raising among business and government actors on their respective responsibilities. If carried out in an inclusive manner, NAPs can be a way for rights-holders to formulate and express their BHR-related claims and grievances. NAPs should, at a minimum, 1) be based on the UNGPs, 2) be context specific, 3) be developed in an inclusive and transparent manner, and 4) be reviewed and updated on a regular basis.¹⁰

Box 2 / Swedwatch project - women and peace in NAPs BHR

Liberia and Sierra Leone are at different stages of their NAP development. Liberia announced the development of a NAP BHR in its Pro Poor Agenda for Prosperity and Development in 2018, and began the process in 2019. Sierra Leone is not in a formal NAP process yet, but is developing a National Policy on Business and Human Rights, as a precursor to a NAP.

Against this backdrop, Swedwatch and partner organisations Green Advocates International, Liberia, and Sierra Leone Network on the Right to Food (SiLNoRF) carried out a one-year project named Engagement of women in business and human rights (BHR) for sustaining peace in Liberia and Sierra Leone (from March 2023 to April 2024), funded by the Folke Bernadotte Academy (FBA). The aim of the project was to contribute to the awareness and

engagement of women in local communities on BHR, sustaining peace, and the NAP process, and to facilitate increased dialogue on the NAP processes between business-impacted women and policy-makers. Project activities included desk research and activities in Liberia and Sierra Leone, namely:

- Capacity-development trainings on BHR in Liberia (67 participants: 54 women, 13 men) and Sierra Leone (37 participants: 26 women, 11 men).
- Peer-to-peer/sensitization meetings in Liberia (136 participants: 84 women, 52 men) and Sierra Leone (363 participants: 255 women, 108 men).
- Validation workshop, part of formal NAP process, 15-16 February 2024. Monrovia, Liberia. 7 participants: 6 women, 1 man.

- Two-day multistakeholder dialogues with CSOs, government- and UN officials, women community representatives, national human rights institutions, and others, 5-6 March 2024, Freetown, Sierra Leone. 49 participants: 22 men and 27 women.
- One multistakeholder roundtable, 11 March, Monrovia, Liberia. 15 participants: 10 women, 5 men.
- Radio shows in Liberia (10 participants: 8 women, 2 men) and Sierra Leone (3 radio shows, in total: 15 participants)

The briefing summarises key takeaways from these engagements. Some individuals took part in several activities, i.e. representatives of NAP BHR lead institutions, NAP BHR-advisories, and community representatives that took part in trainings and dialogues.

2. Women, peace, and BHR

This briefing focuses on two elements relating to NAPs BHR. First, the inclusion of women in the policy process, and the inclusion of women and BHR in the content. Second, it draws attention to the importance of peace and conflict sensitivity in the NAP BHR context, namely, how companies and states can ensure that business operations do not aggravate new or existing conflicts.

The potential role of business in promoting peace and exacerbating conflict dynamics is important to consider both in regard to armed conflicts, but also in regard to social/ non-violent conflict. The focus of this policy paper is women's critical role in peacebuilding. The correlation has been stressed in the UN Security Council Resolution 1325 on Women, Peace and Security, which outlines the "important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution".¹¹

Human rights due diligence, and conflict

In regard to the role of businesses in conflict, the UNGPs do not make specific reference to particular types of human rights due diligence in conflict, but the principles are built around proportionality. The higher the risk – the more complex and diligent the process must be. In conflict affected areas, or in areas with widespread violence, displacement, gross human rights violations, weak governance structures, or a history of conflict, businesses' due diligence should be heightened accordingly.¹² Heightened human rights due diligence means "identifying potential and actual impacts on people (human rights) as well as on the context (conflict)".¹³

Conflicts can have different intensities and levels of violence, ranging from low intensity non-violent disputes to full-scale wars.¹⁴ Applying conflict sensitivity to BHRE means that business actors and state actors should analyse, mitigate,

prevent, and remedy business-related activities that aggravate existing conflicts or increase the risk of new conflicts. State actors should create frameworks and laws that regulate business actors, and business actors must prevent, mitigate, and remedy any violations of human rights and refrain from activities that exacerbate conflicts. Business actors might increase social tensions and conflict through their operations, by, for instance causing or contributing to forced displacement, loss of livelihood or food sources, and violations of land rights. It might also relate to how business or state actors respond to enhanced security situations like protests, and if police or private security companies quell protests in a repressive manner that escalate violence.

Applying conflict sensitivity to business activities also includes how business actors and state actors can create a more conducive environment for peace in relation to business activities. In the context of BHR, conflict sensitive policies and activities might include developing effective dispute resolution mechanisms (judicial or non-judicial), increasing respect for free prior and informed consent (FPIC), including women into decision-making on BHR or promoting more sustainable management of natural resources.

20 years of peace - Why it is still necessary to include conflict sensitivity in the NAPs BHR in Liberia and Sierra Leone

In 2023, Liberia celebrated the 20th anniversary of the signing of the Accra Agreement, which marked the end of the Second Liberian Civil War.¹⁵ Liberia also concluded its first election since the United Nations Peacekeeping Mission in Liberia (UNMIL) left the country. The elections in Sierra Leone, also marked more than 20 years of peace since the 1999 Lomé Peace Agreement.¹⁶ At the same time, many peacebuilding challenges remain in both countries – such as weak governance structures, land disputes, corruption, concession-related tensions, and the exclusion of women from decision making processes.¹⁷

During the civil wars in Liberia and Sierra Leone, diamonds, timber, rubber, and the iron-ore trade financed warring parties. Sierra Leone's Truth and Reconciliation Commission, con-

cluded that the war was caused by a mix of factors, including bad governance, corruption, the denial of basic human rights, and a diamond and mineral based economic system that benefited a small elite and foreign companies, at the expense of the majority of Sierra Leoneans.¹⁸ Once the conflict broke out, the exploitation of diamonds financed and fuelled the ongoing conflict.¹⁹ Also in Liberia, the timber trade fuelled and financed the conflict. In their 2022 Visit to Liberia report, the UNWG highlighted the importance of addressing the role businesses can play, and have played, in conflict. The expert group stressed the importance of responsible business conduct for sustaining peace, how lack of meaningful consultation with affected communities is a source of potential and actual conflict, and that social tensions around land tenure and land use in concession areas is a particular source of concern.²⁰

Since the end of the armed conflicts, both Liberia and Sierra Leone have seen important peacebuilding and democratic advances, including the 2023 elections. Several countries in the West African region have experienced recent surges in violence, including coups d'état in Burkina Faso, Guinea, and Mali and armed conflicts in the Sahel region.²¹ Despite this changing geopolitical landscape, Liberia remains stable and just conducted a peaceful and democratic election in 2023.²² Sierra Leone also carried out elections in 2023, but received national and international criticism for lack of transparency, followed by a four months stalemate in the Parliament and a coup attempt that was quickly quelled by security forces.²³ In this context of a changing security landscape, ongoing global economic crisis, and the backdrop of climate change, priorities focusing on social cohesion, and sustaining peace are even more important.

After twenty years of peace, many of those root causes of conflict outlined in the truth and reconciliation reports in Liberia and Sierra Leone are still present. Today's economic growth model in both Liberia and Sierra Leone relies heavily on the extraction of natural resources, the same resources that communities, workers, women, and indigenous people rely on for sustenance, livelihoods, and cultural practices. There is a gap in addressing risks inherent to such business and economic growth models. It is necessary to tackle

the root causes of conflict and the role that irresponsible business practices can play in exacerbating grievances and conflict, and conversely, how responsible business practices can contribute to peace. There is an urgent need to integrate these risks into current business and economic growth models, and frameworks that regulate business (like NAPs BHR), in order not to undermine peacebuilding advances.

Why women and peace should be included into NAPs BHR

The UN Security Council Resolution on Women, Peace and Security (UNSCR 1325) outlines the importance of meaningful participation of women in conflict prevention, conflict resolution and peacebuilding.²⁴ Gender concerns in relation to BHR are context specific, but regardless of context, business operations often have gendered impacts. The Danish Institute of Human Rights report *Gender in National Action Plans on Business and Human Rights: Where are we and where are we heading?* documented that there is a lack of comprehensive approach to gender in NAPs.²⁵ DIHR also noted a lack of gender attention in more specific areas like employment, natural resources, essential services, and access to remedy.²⁶ The UNWG advises that all NAPs should “take into account differential impacts on women or men, and girls or boys”, and allow for “the effective prevention, mitigation and remediation of such impacts”.²⁷

Previous research by Swedwatch, Green Advocates International, and Sierra Leone Network on the Right to Food shows that women are often disproportionately impacted by adverse business-related impacts. Women tend to lack the same access to natural resources like land, while simultaneously facing exclusion from decision-making processes (i.e. from land deals, negotiations, and consultations). When trying to hold corporations accountable for violations, women often face the same barriers as their male counterparts, but additionally also face sexual- and gender-based violence, harassment, discrimination, and social stigma.²⁸ This reality was also shared by many of the women who took part in the trainings, NAP BHR-validation workshop and multistakeholder dialogues.

Promoting women and peace in the context of business and human rights includes increasing the meaningful participation of women in decision-making on BHR, and also addressing how BHR-related tensions and conflict impacts women - i.e. increased land conflicts, security risks, and restrictions on freedom of movement. It also entails the crucial role of women in efforts to build and sustain peace in the context of business – i.e. through the more sustainable management of natural resources, land formalisation and equal ownership, their role in dispute resolution, and their access to livelihoods.

3. The NAPs BHR in Liberia and Sierra Leone

Liberia and Sierra Leone are two of the first countries to initiate NAP processes in West Africa. At the time of writing, Liberia is in the final stages of drafting the NAP. Sierra Leone has developed a draft National Policy on BHR, as a precursor to a formal NAP, with the aim to first do a pre-study, before starting a formal policy process.

Table 1. NAPs BHR in Liberia and Sierra Leone – A Comparative View April 2024		
	Liberia	Sierra Leone
Status	Developing a NAP since 2019, draft exists, but not adopted.	A National Policy on Business and Human Rights is being developed, as a precursor to a NAP.
Publicly available information	No. DIHRs tool globalnaps.org, a global mapping of NAPs BHR, removed Liberia’s status as “developing a NAP”, with the motivation that “While there were efforts to develop a NAP in Liberia, there is no publicly available information on developments in recent years, so Liberia is therefore classified as ‘Other’.” ²⁹	Yes, but limited. ³⁰
Inclusion of CSOs in the process	Yes, consultation rounds held in 2019, 2021 and 2022, and nationwide awareness-raising in 2022.	Yes, in validation for the national policy on BHR.
References to gender and peace	Yes.	Yes.
Lead and supporting organisation	The National Steering Committee on Business and Human Rights (NSCBHRs) drafts the NAP BHR. Chair: Ministry of Justice Co-Chair: Ministry of Labour. Technical support/ advisory role: OHCHR Liberia and the Independent National Commission on Human Rights (INCHR).	Human Rights Commission of Sierra Leone. Support/advisory role: UNDP Sierra Leone.

Gender in the draft national policy on BHR Sierra Leone and the draft NAP BHR Liberia

The Ministry of Justice in Liberia and the Human Rights Commission of Sierra Leone, both lead institutions on the NAP in their respective countries - shared their unpublished draft NAP policies/plans with Swedwatch and project partners, as well as participants in the project activities. Throughout the project, different versions of the drafts were shared, the versions referenced in the briefing was shared ahead of the dialogues 5-6 March 2024. Both versions were drafts at the time of reviewing – and may be subject to updates. Therefore, the points made here only reflect those made by stakeholders in the dialogues, roundtables, trainings, and other engagements. It is not reflective of the final texts, but should rather serve as an indicator of which areas to strengthen and prioritise. The policy review served to increase incorporation of gender concerns, and references to peace/conflict, as well as facilitating dialogue-spaces where women directly impacted by businesses could give input on gaps in the NAP BHR and to outline their most pressing BHRE concerns.

Liberia

A content review of the draft NAP BHR in Liberia and the draft National Policy on Business and Human Rights shows that both clearly outline gender, but in different formats. The NAP BHR focuses on six key thematic areas: land and natural resources, labour issues, access to justice, environmental concerns, transparency and accountability, and gender.

The National Steering Committee on Business and Human Rights, headed by the Ministry of Justice in Liberia, followed a five-phase process for the NAP development (Initiation, Assessment and Consultation, Drafting, Implementation, and Update) in line with the guidance by the UNWG.³⁰ Consultations with CSOs, communities, business actors and government actors were carried out in November 2019 (30 stakeholders), in 2021 (100 participants), and in May 2022.³¹

While the process in Liberia followed the formally recommended steps, the process received some criticism from CSOs. Points raised included the lack of involvement of a broad range of

organisations, insufficient geographical scope of consultations, and the lack of public information on the process, which raised the threshold for engagement. Some CSO representatives also highlighted that consultations should be designed to ensure that women in marginalised communities could also access the consultations, given that women in these communities can seldom travel to the capital city and mostly are unaware of ongoing policy processes.

In terms of content, gender is clearly outlined in a full chapter in the NAP, which addresses key issues like gender-mainstreaming, access to decision-making, working conditions, sexual- and gender-based violence and includes references to applicable laws. The plan also contains a reference to the government as “committed to gender equality as a means of maintaining peace”. Women’s access to land is referenced, albeit briefly.

Once in the policy space, there was a commendable openness to collaborate and have a constructive dialogue from all stakeholders involved, including policymakers from both the NAP process. However, the threshold for women in marginalised communities to participate was high. First, the participation was dependent on external donor funding, and an active push by CSOs. Second, there was almost no public information about the NAP processe, which made awareness raising and engagement of relevant stakeholders hard. Increasing the transparency and availability of public information is therefore a key step both in terms of raising awareness, and in terms of increasing inclusion. Third, stakeholders from civil society, government and the UN recalled that the process had been stalled multiple times due to lack of government funding. Sufficient government funding is a precondition for carrying out an inclusive and transparent NAP BHR process.

Sierra Leone

The draft National Policy on BHR has a paragraph on Empowering Women through Rights, Skills, and Opportunities, addressing the areas of skills development, sexual and reproductive health (including maternity leave) and non-discrimination in the workplace. On the subject of women’s rights, many gender-related BHR issues, such as participation in decision making,

ownership of land and sexual- and gender-based violence are left out. References are made to some existing laws and treaties (e.g. the Convention on the Elimination of all Forms of Discrimination Against Women). In some other parts of the policy, references are made to gendered BHR-impacts, for instance sexual and gender-based violence and sexual harassment in the workplace. The national policy is still under development, and the formal NAP is expected to be more extensive in scope. Some consultations have already been held with CSOs, companies, members of host communities and selected state actors. A more extensive procedure is expected once a formal NAP process starts.

Testimonies from the dialogues outlined many gendered impacts that could be included in the subsequent NAP, for instance women’s land rights, difficulties accessing statutory deeds, exclusion from decision-making on land deals and company-community dialogues, security concerns in the concession areas linked to restricted freedom of movement, and sexual- and gender-based violence in concession areas and at the workplace. Table 1 outlines a comparative view of the two policies, and Box 3 outlines testimonies of key BHRE concerns.

Box 3 / Women’s testimonies of key BHRE concerns

During the multistakeholder dialogues (March 2024), trainings (2023-2024), and the formal validation workshop (February 2024) women from business-impacted communities shared testimonies on their main grievances in BHRE. The accounts were very similar across the borders, in both Liberia and Sierra Leone. Some key areas of concern included:

- Most women were unaware of the ongoing NAP-processes or what a NAP BHR is.
- Many expressed a lack of FPIC before a company starts operating in an area.
- Exclusion of women from decision-making, including exclusion from investment decisions, land deals, and company-community dialogues on management of natural resources (like water, forestry, minerals, and land).
- Companies have acquired land that was previously used by communities for securing livelihoods, food supplies, washing clothes, cultural purposes, and etc. Women reported that they need to travel increased distances to gather water and reach arable

land. When travelling longer distances in the concession areas, women face increased security risks, including sexual harassment, and intimidation, as well as restrictions of movement by security staff (by private security companies or the police) that protect the company perimeters.

- Reduced areas of land, environmental degradation from pollution and depleted food sources forces many rural women into more precarious living situations.
- Many women expressed a loss of traditional livelihoods due to the establishment of companies, which many times led to reduced farmland, access to fishing areas, etc.
- Many communities expressed a lack of compensation for loss of land, livelihoods, and unfulfilled promises regarding compensation or service provisions made in agreements.
- Women are overrepresented in the informal sector, and reportedly had a harder time transitioning into new areas of work, where mainly males are employed.

- In some cases, protests against companies escalated into violence, harassments and intimidations.
- Several accounts were shared about sexual- and gender-based violence around plantations, and mining sites.
- According to the Land Rights Act (Liberia, 2018) and the Customary Land Rights Act 2022 in Sierra Leone (predated by the National Land Policy 2015) women have the same right to own, sell and inherit land. The awareness of the law has increased, but implementation of the law is lagging. Formalization and Statutory Deeds are expensive, inaccessible, and overly technical, which further complicates women’s access to natural resources.
- Women in business-impacted communities have a hard time accessing remedy due to costly and lengthy procedures, as well as language- and geographical barriers.

Peace and conflict in NAPs BHR in Liberia and Sierra Leone

Liberia

The NAP BHR in Liberia aligns with the Pro-Poor Agenda for Prosperity and Development (PAPD) and the Liberia National Vision 2030 in its goals to build robust institutions to uphold justice, peace, and security. The draft NAP BHR outlines some steps related to security and conflict resolution. In their Visit to Liberia report (2022), UNWG highlighted that the development of a NAP BHR in Liberia is a very positive step in the development of a comprehensive framework for BHR in the country. They also highlighted several issues as being key to sustainable peace - including meaningful consultation with communities, formalisation of land and respect for land rights, a more even distribution of who benefits from business activities, protection of human rights defenders, and accountability for corporate human rights abuses.³² Including these perspectives in the NAP BHR is highly advised. Against this background, it is key to address BHR, conflict and peace jointly in the NAP BHR in order to create more responsible business conduct, respect for human rights and to sustain peace.

Both the Liberian and Sierra Leonean draft policies outlines both gender and conflict con-

siderations. In both cases, a recommendation is to even further strengthen the descriptions on how responsible business practices, inclusion of women, and sustainable management of natural resources can help foster sustainable peace.

Sierra Leone

The National Policy on BHR in Sierra Leone does not have a dedicated chapter on peace or conflict. The topic is referenced in various ways throughout the policy, but this area is not developed in depth. The policy mentions that businesses that respect human rights can avert conflicts in their areas of operations, and that community and stakeholder engagements are means to reduce conflict.

It also addresses the link between job opportunities and tensions that might arise when companies establish in an area and hire a new workforce from outside the communities. The policy suggests that companies should try to minimise friction or conflict between the new workforce and communities, by also considering employing people from the communities.

The national policy on BHR in Sierra Leone also cites the importance of accountability of security personnel, whether state security or private security companies, in cases of workers'/community strikes/demonstrations against businesses.

Box 4 / Input from stakeholder engagements on peace and conflict

A number of BHR, peace, and conflict issues were discussed during the multistakeholder dialogues, trainings, in the validation workshop, and during the roundtable. Some areas include:

- While the civil wars in Liberia and Sierra Leone ended two decades ago and the countries never reverted back into violent conflict, many root causes of conflict remain. Some of these challenges relate to BHR, including management of natural resources, land governance, corruption around resources, social tensions around land, socio-economic inequalities and exclusion of women from decision-making and natural resource governance.

- In April 2024, the Liberian senate approved the establishment of a war crimes court in the Liberian Truth and Reconciliation Commission Report.

- The participation of women in decision-making is key to sustaining peace. The pressure on participation has increased, but even when women are invited to the table (i.e. for land deals) they are not always allowed to speak. One suggestion was to form women's committees that can be present when land contracts are written.

- The education levels are lower in the rural areas, compared to the capital city. Reportedly, communities sometimes sign agreements without fully understanding the content,

which later become a source of tension between communities and companies.

- Many women reported that their livelihoods had been negatively impacted by the presence of companies. They reported travelling larger distances to get to water and food, facing additional security threats and sexual harassment. Their freedom of movement was reportedly restricted by security personnel (by private companies in some cases and by police in others) that guard the company premises.

- Some participants shared experiences of harassment and intimidation as a result of protests against business activities.

4. Conclusion

From engagement with key stakeholders in the NAP-processes in Liberia and Sierra Leone, as well as input from women during BHR trainings, a validation workshop, multistakeholder dialogues, and a roundtable discussion it is evident that irresponsible business conduct can impact women and counteract efforts to sustain peace. To better include women and peace into NAPs BHR, Swedwatch has identified the following recommendations:

RECOMMENDATION 1:

Address the interlinkages between BHRE, women and peace in NAP BHR – to avoid the recurrence of past business-related human rights violations and conflict

Spell out these interlinkages clearly in NAP BHRs, especially in contexts characterised by a history of conflict and several present-day environmental peacebuilding challenges.³³ The failure to include women, and failure to acknowledge the role of business in exploitation of natural resources as potential drivers of conflict, risks undermining peace efforts.

RECOMMENDATION 2:

Include gender and conflict sensitive due diligence as a recommendation in NAPs BHR

NAPs BHR should make reference to conflict and gender sensitive human rights due diligence. Conflict sensitivity is important both during ongoing armed conflict, in high-risk areas, and also where peace prevails. Business actors, on their end, should conduct gender and heightened human rights due diligence continuously, and throughout the business cycle.

RECOMMENDATION 3:

Increase awareness on BHR and NAPs BHR

BHR is a rapidly growing area of practice and study, yet it is a new area for many duty bearers (i.e. public officials, policymakers, and business actors). Increasing the knowledge on BHR generally, and NAP BHR specifically, within ministries, regulatory bodies, and among business actors will be key when it comes to addressing the linkages between responsible business conduct and long-term efforts to sustain peace. Increased aware-

ness is also needed within civil society to be able to address key BHR issues, and to monitor and review the implementation of the NAP BHR and to take part in updating the NAP BHR.

RECOMMENDATION 4:

Analyse gendered impacts in relation to BHR and include this analysis in the problem description of NAPs BHR

Analysing and mapping the gendered impacts of business is key in designing an accurate BHR framework. Adverse business impacts often disproportionately impact women, who often lack equal access to land, natural resources, livelihoods, and decision-making to begin with. Women face obstacles in their participation when it comes to decision-making on BHR-issues, including lack of information on ongoing policy processes, language barriers, direct exclusion from decision-making at the local level, social stigma on political engagement, high costs of travelling to the capital city, and reprisals from companies.

RECOMMENDATION 5:

Include women in the NAPs BHR process to increase respect for human rights and increase efforts to sustain peace

The UN Security Council Resolution on Women, Peace, and Security (UNSCR 1325) outlines the importance of the meaningful participation of women in conflict prevention, conflict resolution and in peacebuilding. Women who are directly impacted by business operations must be included in consultations and review processes, and their perspectives must be reflected in NAPs BHR. The UN Working Group on Business and Human Rights (UNWG) guidance on NAPs BHR recommends that NAPs BHR are both transparent and inclusive.³⁴ In both countries, consultations with stakeholders, including CSOs and communities, have been carried out to gather information and create a more inclusive process. This is commendable and in line with internationally established best practice. At the same time, CSOs in Liberia have been requesting broader consultations, in more geographical areas and more directly targeting women in marginalised communities. The state should play an active role in breaking these structural patterns of exclusion,

otherwise women will remain outside of decision-making spaces in matters related to BHR and peace. To improve the inclusion of women and peace in NAP BHR, targeted consultations for women in concession areas are needed, as well as the early involvement of existing formal and informal CSO networks.

RECOMMENDATION 6:

Provide public information on NAPs BHR

Public information about the NAP BHR process should be readily available so that relevant stakeholders, including women, workers, communities, CSOs, and business actors, can engage. This information should be available in Krio and Pidgin English, so that it is accessible to those who are most directly, and disproportionately impacted by business operations. In order to realize this, it is also important to allocate sufficient government funds for an inclusive, more transparent, and continuously monitored and updated NAP BHR, in line with recommendations by the UNWG.

RECOMMENDATION 7:

Develop lessons learned from other NAPs

NAPs have not only been developed in the area of BHR. There are a number of lessons that can also be drawn from other NAP policy processes, especially the NAP on Women, Peace and Security. Comparing the two NAPs in terms of content and procedure was outside of the scope of this project, but is something to follow up in the future.

RECOMMENDATION 8:

Exchange and develop lessons learned regionally

Develop networks or find multistakeholder dialogue spaces to discuss lessons learned at the regional level. There are several regional dimensions to the work on BHR. Many multinational companies operate across borders, many BHR related challenges are similar in both Liberia and Sierra Leone, there is migration between countries (in turn impacted by access to natural resources, livelihoods work opportunities in each country), and climate impacts and natural resources stretch across the borders – such as water, fisheries, and forests. Exchanging information on the pitfalls and best practices between

countries could also help to draw lessons learned at the regional and national level. In the case of Liberia and Sierra Leone, the Mano River Union is a good forum for such regional cooperation. CSOs can also leverage knowledge and increase their impacts by cooperating in regional networks to monitor the implementation and updating of NAPs BHR.

RECOMMENDATION 9:

Include women, peace, and BHRE in international peacebuilding interventions, programmes, and recommendations (especially the UN Peacebuilding Commission)

Although this policy brief was developed in the context of Liberia and Sierra Leone, many of the takeaways are also relevant beyond this context. The dialogues and activities in Sierra Leone and Liberia clearly indicate the role that business can play in fuelling conflict (historically and currently) and in promoting peace efforts. Despite this, business actors are seldom discussed as duty bearers in peacebuilding contexts. Including women, peace, and BHRE in international peacebuilding interventions, programmes, and recommendations would be an important step to remedy this. The UN Peacebuilding Commission should work to include women, peace and BHRE across their work.

Endnotes

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