

Report of the

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# **NATIONAL BASELINE ASSESSMENT**

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PROMOTING VOLUNTARY PRINCIPLES ON SECURITY  
AND HUMAN RIGHTS IN NIGERIA

■ February 2020





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NWG member Civil Society Organisations involved in the assessment



## Foreword

2020 marks the 20th anniversary of the Voluntary Principles Initiative (VPI). While acknowledging the progress made by this innovative multistakeholder initiative, it is particularly important at this point to focus on how to maximise the impact of the initiative going forward.

The VPI Strategy for 2020–23 reaffirms a collective commitment of participants to prioritise implementation of the Voluntary Principles on Security and Human Rights (VPs). In many complex environments, VPs in-country working groups (ICWGs) are the primary vehicle to deliver on this goal. The findings of this Nigeria baseline study validate the multistakeholder approach that underpins the ICWGs: effective VPs implementation requires efforts by companies and civil society to go hand in hand with the commitment of national governments to improve the wider security governance environment.

DCAF – a Geneva-based foundation dedicated to enabling good governance of the security sector – is a committed member of the Voluntary Principles family. Since 2012, we have been working in close partnership with the International Committee of the Red Cross to develop and promote good practices that support VPs implementation. Over recent years, DCAF has significantly increased its support to VPs field implementation through projects managed by a DCAF multi-donor trust fund, the Security and Human Rights Implementation Mechanism (SHRIM).

The Nigeria baseline study was developed by LITE-Africa and members of the Nigerian Working Group with the support of the SHRIM. It provides the first comprehensive, empirically grounded analysis of VPs implementation in Nigeria. The findings contained in the study provide important insights for the Nigeria ICWG and other national stakeholders. Critically, it also offers strong arguments and clear direction for additional, targeted resource support to in-country implementation activities in Nigeria.

From a DCAF perspective, we see two wider lessons from this ground-breaking study. The first is that similar studies should be undertaken across all priority contexts for VPs implementation. At the level of the VPI, this will facilitate strategic steering and coherence of effort while at the national level such empirically grounded analysis will greatly facilitate priority setting and resource mobilisation. Secondly, the point of departure for VPs implementation should be the security and human rights challenges on the ground. By taking the context as a starting point, we can connect with like-minded initiatives, actors and processes in the wider security and development fields. Joining the dots in this way offers a clear path to maximising the impact of the VPI over the next 20 years.

### Alan Bryden

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<sup>1</sup>See: [www.securityhumanrightshub.org](http://www.securityhumanrightshub.org)

<sup>2</sup>The SHRIM is a multi-donor trust fund committed to improving security and human rights good practice in a coherent, sustainable and cost-effective way. The SHRIM is strongly committed to local ownership and capacity building. Activities therefore prioritise partnerships that reinforce local actors and processes in contexts of fragility.

## EXECUTIVE SUMMARY

The Voluntary Principles on Security and Human Rights (VPs) are a set of principles that provide guidance to extractive companies on maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. They were developed by governments, NGOs, and companies in a multi-stakeholder initiative (the Voluntary Principles Initiative, VPI). The principles need to be implemented within local contexts by all pillar members of the VPI in order to achieve their aim of fostering positive change for rights-holders on the ground who are impacted by security arrangements and company operations. Though Nigeria is currently not a member of the VPI, several CSOs and companies operating within its territory are, and Nigeria has shown positive steps towards implementation of the principles. This “Report of the National Baseline Assessment on the Voluntary Principles on Security and Human Rights” aims to provide empirical evidence to demonstrate the current status of implementation of the VPs in Nigeria, and support the strengthening of human rights practices in the business environment in the country by pointing out gaps where improvement is merited. The information provided in this report aims to be beneficial to members of the Nigerian Working Group on the VPs, the Nigerian government, extractive and agriculture companies, CSOs and other critical stakeholders interested in order to decide on next steps in promoting business and human rights in Nigeria. It should also prove of value for other current and future VPs in-country working groups, as it shows how empirical evidence can be collected on the status of implementation of the VPs and define priorities that should be the focus of further measures and activities. It

should also be used as a comparative resource when measuring progress on VPs implementation in Nigeria at a later stage.

The report presents an overview of the methodology of the baseline assessment and scoping study, and findings in terms of cross-pillar commitment, procedures and policies, and implementation of the VPs in Nigeria as well as a summary of the gaps and recommendations.

## KEY FINDINGS

The study included companies from the extractive and agriculture industries. Overall, the level of knowledge and implementation of the VPs by extractive companies was superior than the agriculture companies. This being said, in relation to both industries, the study identified gaps in implementation of the VPs and their underlying principles were identified in the following areas, organised by the main chapters of this report:

### Gaps and challenges in implementation:

#### Commitments

- To date, the Nigerian government is not a member of the Voluntary Principles on Security and Human Rights Initiative and the government has not made a public statement about the initiative. With such a public statement, the government of Nigeria would demonstrate its interest in VPs implementation and further

communicate to companies its expectations in terms of respect for human rights by security providers.

- Not all interviewed extractive companies have joined the VPI (44%), and only about 70% of those interviewed have incorporated security and human rights responsibilities into company policy and practices. Where companies had committed to human rights through other initiatives, these were in several cases not those best suited for (extractive) companies but, for example, State-focused or not sector specific.

#### **Policies and Procedures:**

- There is a lack of comprehensive and targeted laws, regulations and standards from the government to implement human rights within the extractive industry in general, and consequently, an absence of provisions addressing their security arrangements, human rights risk assessments and interactions with security providers that would be part of such laws and regulations. As far as laws do address this sector or topic in part, there is a lack of awareness of such instruments in relevant government Ministries, Departments and Agencies (MDAs).
- The Governments of Nigeria should clarify for companies what their human rights responsibilities are, in particular regarding human rights compliant security arrangements, and where they can find clear guidance on how to apply such responsibilities their policies and operations.
- Companies should adopt more specific policies and procedures to implement more responsible

business practices in relation to human rights in general and security and human rights in particular.

- More awareness among CSOs about the content of the VPs and the potential role of CSOs within the VPI is necessary to commit more CSOs to promoting the initiative. This is especially the case for local CSOs.
- More direct engagement with companies by CSOs would capitalize on their role to raise awareness and understanding on security and human rights and ensure inclusion in policies.

#### **Implementation:**

- Existing government mechanisms to prevent and address human rights violations due to security arrangements of companies need improvement. Apart from several government agencies that implement laws and acts partially related to the extractive industry, but focusing rather on environmental impacts, there is no central oversight mechanism for the extractive sector which would monitor their human rights compliance in security arrangements.
- Efforts of the government to raise awareness across companies, CSOs and public security regarding applicable laws and regulations, and consultation of communities regarding impacts of the extractive sector seem limited.
- The importance, aim, and best practices of undertaking community engagement seem not to be fully understood by many companies. Extractive companies need guidance and clarity on how to engage with communities regarding the impact of their security engagement, as well as on the reporting processes and monitoring systems that should

be in place to take feedback on these impacts, incidents, and effectiveness of measures taken.

- Public security forces are not trained on the VPs by the government nor is there a strong clarity on mechanisms to prevent and address potential violations by these actors.
- Existing extractive company mechanisms to prevent and address human rights violations by private security providers should be more visible and more effectively communicated. For instance, it is not clear to personnel of private security providers if client companies include the VPs in the contract with their company.
- There was no mention of reviewing human rights records of private and public security in the human rights risk assessment of companies.
- Mechanisms for addressing incidents and complaints from the local community appear not to be well known by communities. Where they are understood by stakeholders, those mechanisms are often perceived as slow and ineffective. Company mechanisms appear unconcise and out of step with UNGP standards.
- While overall resources available to CSOs around business and human rights topics may have increased, more resources are needed that are directed to VPs implementation specifically in order to support CSOs in their role in the initiative.
- Most CSOs do not have mechanisms or tools for monitoring human rights risk assessments and compliance by VPI members, which was largely attributed to a lack of capacity within CSOs.

### Impacts on communities:

- The level of awareness of rights by communities is extremely low. Most local communities have not been reached by VPs awareness programmes and have not heard about the VPs nor know much about human rights. The level of knowledge is even lower among women, youth and elderly.
- There were a number of CSO engagements with local communities in the last year regarding human rights, but none of these engagements focused at raising awareness of the VPs.
- Most local community leaders are not consulted by the extractive and agriculture companies on security risks. The few consultations done are mostly with senior and middle age men which raises the question of social inclusion of women and young people in the company consultative process with local communities.
- Consultations currently do not sufficiently include questions about impacts of security arrangements on communities, nor achieve dissemination of knowledge about company complaints procedures.
- Consultation with communities are mostly silent on gaining free prior and informed consent (FPIC)
- Incidents of human rights violation in local communities are said to have decreased in the past years, though the examples of incidents named were still of a very serious nature. There is low awareness on where to go with complaints, and those that were reported to authorities were not followed up on.
- Relationship with government security and extractive companies were said to have improved over the past year, however, they were still predominantly described as quite poor. The majority of the community representatives were said to have observed human rights violations by companies over the past year.



# RECOMMENDATIONS

## Government:

1. The Nigerian government should engage with the Voluntary Principles on Security and Human Rights, for example through public policies or statements that demonstrate government commitment to promotion of human rights and fundamental freedom in the business environment.
2. Existing laws should be reviewed, and gaps in legislation filled by drafting new laws (including a dedicated law on business and human rights), policies and standards to enable implementation of human rights in the business sector, including in their security arrangements.
3. Dedicated government agencies should be set up to monitor and implement such laws within the extractive sector in order to prevent human rights violations. Their mandate and oversight functions need to be clearly communicated to companies and security actors involved in companies' security arrangements.
4. The level of awareness of MDA officials around the existence of regulatory instruments, and their meaning, needs to be improved, so that subsequently the awareness raising role of government towards industry, CSOs and communities on applicable standards can be expanded. The role of the National Orientation Agency (NOA) is critical in this and in the sensitisation of the public on business and human rights and the VPs.

5. Government' and companies' mechanism for taking up incidents and complaints from local communities should be strengthened and clearly communicated to stakeholders. Government and companies should ensure their mechanisms for receiving complaints regarding human rights violations by companies are aligned with the UNGPs.
6. Government should strengthen accountability for companies in the judicial system through clear laws and accessibility of the judicial institutions for such complaints against companies and linked security forces.
7. Processes of obtaining FPIC in consultation and engagement with local communities by companies and government should be strengthened beyond the mere signing of community development agreements, to ensure that actual FPIC is obtained.
8. The general training curriculum for public security forces particularly the police should include relevant parts on the VPs. The National Human Rights Commission has been working with public security to mainstream human rights in their training curriculum. This should be strengthened working in collaboration with the police training institutions and the ministry of interior.

## Companies:

9. Deliberate effort should be made at creating awareness and increasing knowledge of the VPs and security and human rights standards among companies in Nigeria, including explanations about why the VPs are the most adequate tool for security and human rights implementation for the extractive industry and how they



can be used to inform policies and procedures. The government can also have a role in this, by including the VPs or implementation requirements in licencing criteria and targeted regulations. CSOs can also provide more specific guidance to companies and work directly with companies.

10. Company consultative processes with local communities need to be strengthened. Most of the companies participating in the study have developed some sort of community engagement and practices were highlighted by some of them. However, there is a need for more structured consultations. These need to reflect good practices in terms of how the company consults communities (when this should be done, through what channels, with trained staff) and in particular how to be inclusive to participation of women and young persons who are often disenfranchised in local decision making processes. The government should play a role in issuing more stringent requirements in this regard. CSO training and awareness raising activities can support this by clarifying how important consultation processes are and how they are best done.
11. Companies should strengthen inclusion of the VPs in contracts with private security and MoUs with public security, to use as mechanisms to prevent and address human rights violations and abuse by private and public security. A dissemination plan, to create greater awareness of such mechanisms by operators in the field, should be developed. Appropriate legislation and regulatory obligations by government with clear mechanisms (agency) to enforce and track compliance should require this.

12. Human rights records of private and public security need to be given adequate consideration in the human rights risk assessments of companies. Companies should demand such records from security providers and reference them in their agreements and MoUs.
13. Companies should strengthen their reporting and monitoring mechanisms regarding the VPs and human rights implementation in their policies in order to measure their effectiveness, within the company as well as externally. This should be joint by processes to integrate lessons learned. In particular, the impact of security arrangements on local communities should be measured, as current perceptions of companies and communities regarding incidents seems to diverge widely. Governments can play a role by including more stringent reporting criteria in licencing criteria and targeted regulations.
14. Companies should consider innovative forms of security arrangement, for instance, through stronger engagement with local community members to provide surveillance and protect company facilities. Companies can leverage on the lessons and good practices in the Pipeline Facilities and Surveillance Programme (PFSP) deployed by oil and gas company in the Niger Delta.

#### **CSOs:**

15. More direct engagement between CSOs and companies would be beneficial to raising awareness and advising on implementation.
16. Communities seem to be mostly informed by CSOs about the VPs and security and human rights. Besides

this informative role, CSOs could potentially play a role in supporting victims of violations in finding redress and remedies.

17. CSOs awareness programmes about the VPs and human rights are crucial for communities to receive information on their rights and should increase. They should give greater consideration to social inclusion, particularly along different gender and ages. CSOs can take the lead in such awareness raising programmes especially at the local communities, with the support of the companies and government. Web based platforms can be used to complement existing approaches for wider coverage.
18. Interviewed CSOs said that their focus remained on representing the interests of the vulnerable communities affected by the activities of the extractive sector e.g. the impact of environmental degradation on livelihoods which often takes the form of poverty and breeds insecurity. Existing and future programmes could be set up broader, to integrate the VPs in such work or to focus on broader community considerations within VPs work.
19. Training and sensitisation of community members on human rights complaints and reporting mechanisms. Training for private and public security providers should also be extended to security formations beyond company premises.

#### **Members of the VPI:**

20. More resources should be allocated to CSO and government activities that are specifically aimed at VPs implementation, and the inclusion of the VPs into wider programmes addressing sustainability, coordination and impact. Such activities should represent the interests of the vulnerable communities affected by the activities of the extractive sector and particularly explain what rights communities have and how to claim those rights by monitoring and reporting incidents and pursuing remedy.
21. Capacity building programmes should be developed for local civil society organisations and relevant government MDAs to equip them with the requisite skills needed to monitor risk assessments and VPs compliance by VPI members in the country.
22. While the implementation of the VPs should be relevant to the specific contexts, the VPI could clarify the role of the VPs in country working groups. Moreover, the VPI or other actors involved in the support to VPs implementation, like DCAF as the 'preferred organisation' for VPs in country implementation should support the working groups in developing their strategies, workplan and becoming more evidence based.
23. The VPI should encourage and facilitate experience sharing from the different VPs in country working groups. This will enable to build from the experience of one another, share success, and strategies to overcome relevant challenges.

**Role of the NWG in the implementation of the recommendations:**

24. The NWG should coordinate and provide leadership and guidance on the implementation of the findings of the report by pillar members.
25. The NWG should engage with the government to monitor compliance.
26. The NWG should create public awareness on the baseline report to bridge the perceived information gap about the VPs and the activities of the group. Engagement of the media is key in this regard.
27. The findings should serve as a tool for multi-stakeholder dialogue and engagement with the relevant government representatives and other critical stakeholders to develop a national policy framework that would institutionalise the VPs in Nigeria.
28. The NGW should use this report in order to develop NWG activities and the workplan to address the gaps identified in the report.
29. The NWG should share its experience in carrying out this baseline study with the VPI through the annual plenary and annual report to enable lessons-learning.
30. The members of the NWG should aim to update the draft National Action Plan on Business and Human Rights with the report findings working collaboratively with critical stakeholders.

# LIST OF ACRONYMS AND ABBREVIATIONS

BHR	-	Business and Human Rights
CMG	-	Community Monitoring Group
CODE	-	Connected Development
CSOs	-	Civil Society Organisations
DCAF	-	Geneva Centre for Security Sector Governance
EGASPIN	-	Environmental Guidelines and Standards for the Petroleum Industry in Nigeria
EIA	-	Environmental Impact Assessment
EITI	-	Extractive Industry Transparency Initiative
FMMSM	-	Federal Ministry of Mines and Solid Minerals
FOCONE	-	Foundation for the Conservation of the Earth
GMOU	-	Global Memorandum of Understanding
ICoCA	-	International Code of Conduct for Private Security Association
ICWG	-	In-Country Working Groups
IOCs	-	international oil companies
KCI	-	Keen and Care Initiative
LITE-Africa	-	Leadership Initiative for Transformation & Empowerment
MNEs	-	Multi-national Enterprises
NACGOND	-	National Coalition on Gas Flaring and Oil Spills in the Niger Delta
NAFDAC	-	National Agency for Food and Drug Administration and Control.
NEMA	-	National Emergency Management Agency
NHRC	-	National Human Rights Commission
NNF	-	New Nigerian Foundation
NOA	-	National Orientation Agency
NPF	-	Nigerian Police Force
NSCDC	-	Nigerian Security and Civil Defence Corps
MoE	-	Ministry of Environment.
NEITI	-	Nigeria Extractive Industry Transparency Initiative

NHRC	-	National Human Rights Commission
NWG	-	Nigerian Working Group on the Voluntary Principles on Security and Human Rights
OPTS	-	Oil Producers Trade Session
PIB	-	Petroleum Industry Bill
PRAWA	-	Prison Rehabilitation and Welfare Action
SARS	-	Special Anti-Robbery Squad
S.O.N	-	Standard Organization of Nigeria
UNGP	-	United Nations Guiding Principles on Business and Human Rights
VPI	-	Voluntary Principles Initiative
VPiN	-	Promoting Voluntary Principles on Security and Human Rights Implementation in Nigeria project
VPs	-	Voluntary Principles on Security and Human Rights

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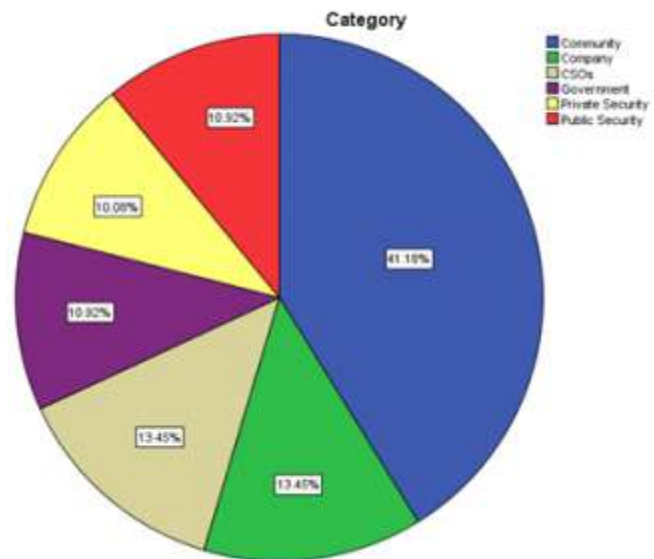
## METHODOLOGY

This baseline assessment and scoping study, entitled; “Promoting Voluntary Principles on Security and Human Rights in Nigeria (VPiN)” aims to develop a national baseline study to strengthen the implementation of the VPs in Nigeria. The project will support the NWG to assess the knowledge of the VPs, progress achieved, lessons learned, and best practices, and share these with other stakeholders and participants in the Voluntary Principles Initiative (VPI). It collects both qualitative and quantitative data through desk review, field visits, semi-structured and key informant interviews with cross-pillar stakeholders and local community leaders that interact with or are impacted by the extractive and agriculture sectors. The interview questions were formulated on the basis of indicators, which were specifically developed to measure implementation of the VPs within Nigeria. Previous assessment on the VPs in Nigeria were reviewed which further informed the need for a more comprehensive assessment.<sup>3</sup>

The baseline and scoping study was carried out in the following six states and regions with heavy presence of oil and gas, mining and agriculture activities: Delta and Akwa-Ibom (South-South), Nasarawa (North Central), Zamfara (North West), Lagos (South West), and Imo (South East) of Nigeria.

The field research ran from October 22 to 19 November 2019, during which time 12 field enumerators from 6 organisations in the target states conducted 119 interviews. The interviewees, of whom 78% is male and

22% female, comprised of 16 company representatives, 49 community leaders, 16 Civil society organization personnel, 13 representatives of government ministries and institutions, 13 Public security officers and 12 Private security providers. The interviewees were spread over 18 local government areas (LGAs) in 6 states of 5 geo-political regions of Nigeria. The age distribution of the sample included 56 percent middle aged, 37 percent senior aged and 7 percent young aged persons. Samples were drawn purposively from both high risk and low risk communities in terms of proximity to and impact of company - and security operations. The distribution of the sample category is represented in figure 1 below:



**Figure 1:** Distribution of sample categories (%)

<sup>3</sup>Assessment carried out by Global Rights in 2014 on Improving Extractive Industry Governance; Implementing the Voluntary Principles to Promote Human Rights in Nigeria and Ghana Baseline study.

The data collected from interviewees remained confidential, and non-attribution to the respondents was guaranteed. The data was aggregated and used for analysis, but not linked back to any company or respondent specifically. The interviewers ensured that they clarified this use of data and the anonymity granted to the source before the interview started, in order to have an open conversation. Interviewers were also mindful of the agreed confidentiality when storing and handling data and ensure security of data at all stages, including when disposing of data. For considerations regarding the selection of interviewees, see Annex I below.

The research was strengthened by the facilitation of a one-day multi-stakeholders dialogue in Abuja to discuss and engage on the challenges of VPs implementation identified in the study.

Important limitations to the study to keep in consideration are:

- The baseline and scoping study did not cover the north east region of Nigeria;
- There is a limited number of interviewed stakeholders. This means that the study points out examples and observations of a limited set of actors and cannot establish final conclusions; it rather aims to sketch an overview of trends and ruling perceptions by actors directly involved in and impacted by the current implementation process of human rights standards in security arrangements.

The project lasted from September 2019 to February 2020.



## INTRODUCTION

Nigeria is Africa's most populous country with about 200 million people, located on the Gulf of Guinea on Africa's western coast. It has more than 250 ethnic groups spread across the 36 states and Abuja (Federal Capital Territory) in six geo-political zones. Nigeria is Africa's largest crude oil supplier and the 12th largest producer in the world. Petroleum production and exportation is a major source of the nation's economy accounting for about 86% of foreign exchange income and 65% of government revenue.<sup>4</sup> Apart from petroleum, Nigeria's other natural resources include natural gas, tin, gold, iron ore, coal, limestone, niobium, lead, zinc and arable land.<sup>5</sup>

Nigeria returned to democracy in 1999, and has since made significant progress strengthening human rights, government institutions and fighting corruption. Nevertheless, the country faces numerous and complex challenges, including armed conflict, Boko haram insurgency and internal displacement in the northeast, communal violence based on tribal and religious divisions, the farmer-herder conflict in the middle belt, and a number of security challenges across the country including armed militancy mainly in the Niger delta region. All these challenges place greater responsibilities on and over-stress government and security agencies in terms of investigating, arresting and prosecuting perpetrators of human rights violations.<sup>6</sup>

The extractive and agriculture sectors contribute over 80% to the Nigerian economy<sup>7</sup> but both sectors are



faced with a number of challenges in protecting company assets and personnel in a manner that respects human rights and fundamental freedom. Often extractive companies in Nigeria are accused of human rights abuses related to security incidents involving local communities, employees and citizens.<sup>8</sup>

Public security agents in Nigeria have continuously undermined human rights of local communities within the oil and gas, mining, and agricultural industries. Private security providers and security personnel of extractive companies have additionally been allegedly involved in using excessive or unnecessary force, and violating human rights of persons when protecting the company's interest vis-à-vis the local population.<sup>9, 10</sup> The lack of appropriate human rights due diligence frameworks has continued to reinforce institutional weakness and non-compliance with industry standards including the Voluntary Principles on Security and Human Rights (Vps).

<sup>4</sup>Nigeria progress report in addressing national resource governance can be found here: [https://eiti.org/es/implementing\\_country/32](https://eiti.org/es/implementing_country/32);

Nigerian facts and figures can be found: [https://www.opec.org/opec\\_web/en/about\\_us/167.htm](https://www.opec.org/opec_web/en/about_us/167.htm).

<sup>5</sup>Other information on natural resources in Nigeria can be found here: <https://www.minesandsteel.gov.ng/>

<sup>6</sup><https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/NGSummary2019.aspx>

<sup>7</sup><https://www.premiumtimesng.com/business/business-news/367378-nigeria-set-to-open-extractive-industry-ownership-register-heres-how-it-will-work.html>

<sup>8</sup>A very pertinent example can be found in the case of *Kiobel v. Royal Dutch Petroleum*, a summary of ongoing procedures can be found here: <https://www.business-humanrights.org/en/shell-lawsuit-re-nigeria-kiobel-wiwa>

<sup>9</sup><https://www.business-humanrights.org/en/oil-pollution/human-rights-impacts-of-oil-pollution-nigeria>

<sup>10</sup><https://www.hrw.org/news/1999/02/23/oil-companies-complicit-nigerian-abuses>

## THE VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS

*The Voluntary Principles on Security and Human Rights (VPs) were created in the year 2000 following a multi-stakeholders dialogue between companies, governments, and non-governmental organizations. The VPs are a set of principles that are intended to guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. The VPs helps companies, in the industries of extracting, harvesting, or developing natural resources or energy, to understand the environment they are operating in, identify security-related human rights risks, and take meaningful steps to address them. The Voluntary Principles Initiative (VPI) promotes the principles and its implementation by members from three pillars: corporate, government, and NGO.*

*More information: <https://www.voluntaryprinciples.org/>*

Nigeria is party to all 9 core United Nations' human rights treaties and the government also issued a standing invitation to all their thematic special procedures.<sup>11</sup> Nigeria is not currently a member of the VPI. However, a number of VPI member companies<sup>12</sup> operate in Nigeria, as do several member CSOs.<sup>13</sup> At the same time, Nigeria has participated in some important steps towards the promotion and implementation of the security and human rights principles that the VPs promote.

Nigeria participated at the Annual Plenary meeting of the VPs in 2016 in Bogota, Colombia, which subsequently gave rise to the setting up of an inter-ministerial committee on the VPs by the Nigerian government, headed by the Ministry of Foreign Affairs and receiving technical input from LITE-Africa, to review the Nigeria position on the VPs. Consequently, Nigeria was listed as a VPs priority country alongside Ghana and Myanmar to promote VPs implementation through in-

country implementation efforts. Subsequently, in 2017, Nigeria inaugurated a Working Group on the VPs (NWG). The NWG is comprised of relevant government ministries, embassies, companies, and CSOs who work to strengthen VPs implementation and promote greater respect for human rights and fundamental freedom in the business environment in Nigeria. Additionally, Nigeria hosted a team of the steering committee of the VPI in 2018, which provided greater consultation and engagement with the government on the VPs.

Currently, the NWG lacks adequate information on the in-country security and human rights context and the level of VPs implementation among members in the country. This report will aim to bridge this information gap through a national baseline and scoping study, which may inform a national policy framework to guide and facilitate implementation of the VPs. It is expected that the national baseline report on the VPs will help to strengthen the implementation of the VPs, it will inform the workplan of the

<sup>11</sup>Ibid, and see below footnote 6

<sup>12</sup>Companies: BP, Chevron, ConocoPhillips, ExxonMobil, Shell, Total.

<sup>13</sup>COMPPART, The Fund for Peace, Human Rights Watch, International Alert, LITE-Africa, New Nigeria Foundation, Pact, Search for Common Ground

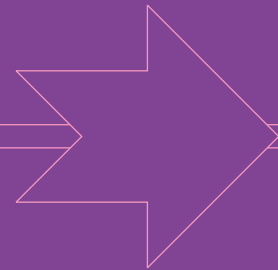
NWG and support the analysis of the impact of the NWG on the long run.

The report analyzed the findings of the interviews and desk research and investigated how the VPs and corresponding principles on business and human rights and security have been implemented by different actors within Nigerian society. It will look at the impacts this has had on the perceptions and experiences of different stakeholders. It will do so by looking subsequently at the following elements: 1) commitment of governments, companies and CSOs to implement the human rights principles stemming

from the VPs and corresponding instruments; 2) the procedures and policies that different stakeholders have put in place to ensure those commitments can be put into practice; 3) the way in which procedures and policies are implemented, and what effect they are achieving; 4) how different stakeholders are consulted in the process of implementation; 5) whether implementation of standards has trickled down to security personnel; and 6) what impacts on communities can be observed thanks to better implementation, when it comes to better relations with companies and their security arrangements, and less incidents and violations and their remediation.



# COMMITMENT



## 1.1. State commitments to human right standards

To effectively implement human rights standards and principles, such as those included in the VPs, States should set out clearly their expectations of respect for human rights by companies and take measures to implement those expectations in laws and policies.<sup>14</sup> A clear and formal commitment of the State to those standards is the starting point for this.

Nigeria has ratified all core human rights treaties.<sup>15</sup> It has set up the National Human Rights Commission in 2010 in order to promote and protect human rights, investigate alleged violations of human rights and enforce decisions.<sup>16</sup> It has also shown commitment to the UNGPs by starting the process to develop a National Action Plan on Business and Human Rights (NAP).

However, the interviewed government officials did not all seem to know the extent of their government's engagement in term of business and human rights (BHR). Indeed, 69% of interviewed officials confirmed that they were aware that the government did participate in initiatives related to BHR; though they were not sure which ones. Similarly, most interviewees (61%) considered the government had formally stated support for the UNGPs.

The commitment to the UNGPs and government support to their implementation were, according to the interviewed Ministries, Departments, and Agencies (MDA) officials evidenced through:

- Government having developed a National Action

Plan on Business and Human Rights (draft) that supports the UN Guiding Principles on Business and Human rights. The draft has been prepared with the participation of relevant MDAs, and has been disseminated to different stakeholders;

- The government supports stakeholder meetings on the topic of business and human rights in general, but primarily on the NAP process, through the NHRC.

Interviewed MDAs also pointed out that the government has publicly engaged and communicated its commitment to the promotion of human rights in business more generally. Respondents described ways in which the government does this to include:

- Creation of a desk at the NHRC to coordinate and ensure that human rights best practices are observed across all companies including those in the extractive industries;
- Production of a business and human right handbook by the NHRC;
- Campaigns and awareness creation for community involvement organised by the government;
- Government initiatives to organize cooperatives in the extractives sector;
- Government setting up of an inter-ministerial committee in 2017 to review the VPs.

While all participants were aware of some degree of government commitment and participation in initiatives on security, business and human rights on the international level, and of the fact that these initiatives were translated into the

<sup>14</sup>UNGP Principles 2 and 3 and their commentary

<sup>15</sup>Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) 28 Jun 2001; Optional Protocol of the Convention against Torture (CAT-OP) 27 Jul 2009; International Covenant on Civil and Political Rights (ICCPR) 29 Jul 1993; Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty (CCPR-OP2-DP); Convention for the Protection of All Persons from Enforced Disappearance (CED) 27 Jul 2009; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 13 Jun 1985; International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 16 Oct 1962; International Covenant on Economic, Social and Cultural Rights (CESCR) 29 Jul 1993; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 27 Jul 2009; Convention on the Rights of the Child (CRC) 19 Apr 1991; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) 25 Sep 2012; Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC) 27 Sep 2010; Convention on the Rights of Persons with Disabilities (CRPD) 24 Sep 2010 (Adopted from UN treaty body database ratification status for Nigeria retrieved December 25, 2019).

<sup>16</sup><https://www.nigeriarights.gov.ng/about/nhrc-mandate.html>



## 1. Commitment

national context through the development of e.g. a NAP, awareness raising meetings and institutional uptake by the NHRC, the exact commitments and thus responsibilities and obligations and their meaning for the governments activities are not known well. Clear information to the MDAs and assignments of roles for implementation of these standards is needed. As the UNGPs state: *“States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State’s human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.”*<sup>17</sup>

When it comes to the VPs, specifically, while Nigeria is not formally a participant of the VPI, it has shown willingness and initiatives to implement its principles, such as through allowing a country visit of the steering committee team of the VPI. Moreover, the government of Nigeria has formed and is actively participating in the NWG.<sup>18</sup> Relevant government ministries and agencies have assigned desk officers to work on the VPs and to participate in the NWG activities. Moreover, the inter-ministerial committee on the VPs set up in 2017 recommended for the government to become member of the VPI. Though a formal statement has not been made, these can be considered as clear signs of government support to the initiative.

Similar to other initiatives on business and human rights, a level of unclarity existed among interviewees about whether the government has formally supported the VPs. Some interviewees (77%) considered it had. Moreover, most of the government respondents pointed out that the draft of the NAP includes security as a theme and acknowledges the VPs as a key international instrument.

To conclude, though several initiatives were mentioned that show that the government works on human rights implementation within the extractive sector and its security arrangements, a clear commitment of the government to the VPs is still needed.

### 1.2. Commitment by companies

Every company interviewed responded to have committed to either the VPs or other human rights initiatives. In their answers about this, they included, besides the VPs, the following initiatives:

- International Code of Conduct for security Association (ICoCA);
- Global Reporting Initiative (GRI);
- NAP and/or UNGPs;
- OECD Guidelines for Multi-National Enterprises;
- United Nations Global Compact (UNGC);
- Universal declaration of Human Rights (UDHR).

When it comes to the VPs specifically, 44 % of the companies which participated in the study, mostly oil and gas companies, have publicly committed to or endorsed the VPs. Only 37% of interviewed companies participated in the NWG – one company that did commit to the VPs could not participate in the NWG due to its distance to meeting venue.

Of those companies who had not committed to the VPs, almost all added that they did have policies and activities on business and human rights and security, which were publicly disseminated by, for example:

<sup>17</sup>UNGPs Principle 8

<sup>18</sup>See above “Introduction”

- Issuing a company policy on security and human rights;
- Community sensitization on human rights in the host communities;
- Ongoing engagement by the security department of the company with public and private security as soon as they are deployed to the various locations;
- By participation in NWG meetings;
- Through organising regular training- and awareness programmes for dissemination of information on company human rights policy, including for the GSF and other security personnel and by training of management and staff on the VPs.

According to the respondents, the internal commitment of the company to the VPs or other human rights initiatives are disseminated in company locations through the following processes:

- Through the human right policy or code of conduct that is disseminated through supervisors, union leaders and circulars on strategic places in the company premises;
- Reflection of the VPs in the company's security management policy which is both on the print and electronic media platforms of the company all across company locations;
- Dissemination through human resource management;
- Five companies (31%) also indicated that they employed a dedicated staff member at country and

/ or local site level, taking the lead on security and the VPs. All of those five companies participated in the NWG. Local security lead's commitment to the VPs was ensured through several types of training: some companies have annual training on the VPs for all district security supervisors, others mentioned VPs training facilitated by LITE-Africa, or general internal training of all security personnel and employees. Commitment was also ensured through inclusion in the company human rights policies.

Though there are still many companies that have not formally committed to implement the VPs, (note that in this case some were agricultural companies) it is of note that all companies did participate in some international human rights related initiative. The companies disseminated their commitment in different ways, mostly through their (human rights) policies, but also through the commitment by local and country security officers, and participation in NGW meetings. Companies also report efforts for internal dissemination with their local staff. Seeing the diversity of answers on what was considered dissemination, it is hard to gauge the quality and effectiveness of the efforts.

Much can be done to engage the remaining companies in the VPI, especially since not all of the other human rights initiatives that companies had committed to actually address (extractive) companies directly, such as the UDHR and the NAP. Thus, there is still a need to clarify to companies what their responsibilities are in relation to human rights and where they can find clear guidance on how these apply to them and can effectively be implemented in their policies and operations. During the course of this research, one mining company as well as a number of local CSOs newly committed to participating in the NWG, demonstrating the importance of constant engagement with companies.

<sup>19</sup>For more thoughts on the importance of the role of civil society organisations within the better governance of the security sector and implementation of human rights, see also Private Security Governance Observatory, <https://www.observatoire-securite-privée.org/en>





## 1. Commitment

### 1.3. Level of commitment by CSOs to the VPs or the thematic of security and human rights

The participation in and commitment of CSOs to the VPs is of singular importance to ensure that human rights challenges are brought to the fore; communities are represented through organisations that can collect and represent their views and concerns; and that independent expertise of the human rights situation in different parts of the country is provided. Within a multi-stakeholder initiative such as the VPI, the CSO pillar ensures checks and balances on the behaviour of companies as well as governments.

Of the 16 CSOs which were interviewed, 11 CSOs considered the promotion of the VPs and human rights and security as an integral part of their work files but just more than half (9) have been engaged in the VPI in Nigeria over the past year, either as members or by attending events. This demonstrates the need to further engage CSOs about the existence of the NWG, and support them in regularly attending events organised around the VPs.

Most relevant examples of commitment to activities around the promotion of security and human rights given by CSOs include:

- Setting up of and participating in the activities of the NWG;
- Participation in other local and international multi-stakeholder forums involving extractives, environmental justice etc;

- Training of security and law enforcement agencies on the VPs;
- Community sensitisation and engagement on the VPs or security and human rights;
- Participating in Oil Producers Trade Session (OPTS) activities. OPTS is a subgroup within the Lagos chamber of commerce and industry which draws its membership from both local and foreign owned companies registered in Nigeria who hold an oil prospecting or oil mining license. OPTS work closely with companies, governments and other stakeholders to address critical issues in the oil industry;
- Setting up of the Nigerian Government Inter-ministerial Committee;<sup>20</sup>
- Participation in CSOs coalition on oil and gas activities such as quarterly meetings of the National Coalition on Gas Flaring and Oil Spills in the Niger Delta (NACGOND). NACGOND engages with key stakeholders in the oil and gas industry including oil companies, governments, CSOs, local community leaders and the media to promote compliance with local and international standards on oil spills and gas flaring.

Most CSOs interviewed (69%), saw an increased number of CSO members of the NWG or CSOs committed to working on issues of the VPs in the country, compared to previous years. The main reasons given for that increase are:

- The NWG meetings facilitate CSOs dialogue and engagement with other actors on the VPs;
- Increasingly more people are consulting CSOs on human rights issues, security issues, thereby increasing CSOs engagement and dialogue;

<sup>20</sup>[opts-ng.com/about/background/](https://opts-ng.com/about/background/)



- There is more awareness about the issues of business and human rights within CSOs in the country also thanks to organised dialogues and town hall meetings;
- The establishment of the federation of mining host communities in Nigeria has increased CSO activity on the topic;
- Increased capacity building programmes on human rights and mining principles in the North West region has increased CSO engagement in this particular region.

There are now three Nigerian CSO members of the VPI at the international level (in 2006 it was only one) and eight CSOs participating in the NWG. Also, many CSOs are working on the topic of security and human rights, even if this is not within the context of the VPI. However, it was

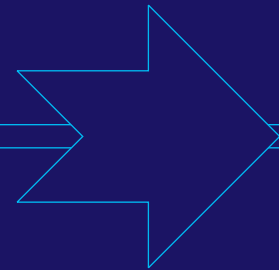
commonly noted by interviewed CSOs that more needs to be done to spread awareness to other, particularly local CSOs. Additionally, it was noted that CSO engagement and direct dialogue with companies involved in the extractive industry could be increased and improved upon.

Also, several CSOs said that their focus remained on representing the interests of the vulnerable communities affected by the activities of the extractive sector e.g. the impact of environmental degradation on livelihoods which often takes the form of poverty and breeds insecurity. This could be expanded upon and integrated into VPs work.

A few CSOs are of the opinion that although resources allocated to the promotion of human rights have increased over the past years, this has not been specifically on the VPs, and that more resources are needed on this particular subject, which would ensure wider CSO commitment to the initiative.



# PROCEDURES AND POLICIES



## 2.1. Legislation, regulation and other policies of government

In order to implement the commitments of the government to international security and human rights standards and initiatives, these standards should be incorporated in national laws, regulations and policies, to be applied to corporations and other actors operating within Nigeria.<sup>21</sup>

To date, the Nigerian government has not yet issued a general law requiring companies to respect human rights and outlining clearly what expectations the State has in relation to the behaviour of companies. Such laws are required by the UNGPs<sup>22</sup> and are increasingly developed in countries across the globe.<sup>23</sup> Government regulations particularly need to be instructive to companies operating in their territory, ensuring they respect human rights and abide by the standards that the government is committed to.

When it comes to laws and regulations addressing the extractive industry, most do not address human rights compliance directly, but do set standards of operations and environmental protection standards that may indirectly have a positive effect for the communities surrounding operations. With environmental damages, degradation and pollution playing a major role in conflicts surrounding extractive sites,<sup>24</sup> these laws and regulations can play a role in preventing and addressing damages and spoiled livelihoods, thus preventing or intervening in conflict between companies and communities. Of relevance for the extractive industry are the 1999 Constitution of the Federal Republic of

Nigeria as amended, setting out the fundamental rights of all citizens, to be protected by the State. The National Human Rights Commission's Act that deals with all matters relating to the protection of human rights as guaranteed by the constitution of the Federal Republic of Nigeria 1999 and any other treaties on human rights to which Nigeria is a signatory including monitoring and investigating all alleged cases of human rights violations in Nigeria. The Nigerian Police Bill 2019 criminalises human rights violations by the police, however this Bill is yet to receive assent from the president. The Nigerian Petroleum Act sets the condition for licences that are needed to prospect, explore, mine petroleum and operate a refinery in Nigeria. The Act includes health and safety conditions and “good reputation” of the licenced company, reporting incidents and accidents. The Federal Environmental Protection Agency (FEPA) Act, granting the FEPA a mandate to set environmental criteria and guidelines for industries including petroleum and minerals, and can inspect, search, seize and arrest in case of violations. Nigerian Minerals and Mining Act which guarantees the rights of host communities and transfer of social and economic benefit through a mandatory community development agreement. Other Acts were set up to improve oversight over the oil sector, such as the National Oil Spills Detection and Response Agency (NOSDRA) Act<sup>25</sup> that institutionalises and specifies the mandate of the agency that oversees the oil industry regarding spill, and monitors, receives reports on and can penalize company's oil spills, as well as failures to clean up. The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act<sup>26</sup> also establishes and mandates the agency on environmental protection, and the Niger Delta Development Commission (NDDC) a federal government agency set up to address environmental

<sup>21</sup>As pointed out in the UNGPs Principles 1,2 and 3

<sup>22</sup>UNGP's Principles 3 and its commentary

<sup>23</sup>See for an overview of current developments: <https://corporatejustice.org/news/16793-mandatory-human-rights-due-diligence-an-issue-whose-time-has-come>

<sup>24</sup>Baseline Study on Private Security Governance in Nigeria, Private Security Governance Observatory / Afrilaw, 2019, p.67

<sup>25</sup><https://www.nosdra.gov.ng/index.php>

<sup>26</sup><https://www.nesrea.gov.ng/>



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challenges associated with petroleum exploration activities and oversees development in oil and gas producing states in the Niger Delta.<sup>27</sup>

The Nigeria Extractive Industry Transparency Initiative (NEITI) Act of 2007 requires transparency and accountability in the reporting and disclosure by all extractive industry companies of revenue due to or paid to the Federal Government of Nigeria.<sup>28</sup> This law does not make explicit reference to human rights reporting obligations, besides the potential impacts of spills on livelihoods.

Though the above legislations appear not to be directly linked to the issues of security and human rights, compliance with the various regulatory provisions of the Act can address the root causes of conflict and insecurity in the extractive industry.

Of the interviewed MDA officials, 62% responded that the State has adopted policies, legislation, procedures, and/or guidelines relevant to promoting and protecting security and human rights, consistent with the VPs / international human rights obligations. That same percentage responded that the government has set out measures which outline clearly the expectation that all businesses domiciled in Nigeria respect security and human rights principles in Nigeria and abroad. The following were mentioned as the most pertinent steps adopted by government in this regard;

- The issuing of a National Action Plan on business and human rights was described as an integrated national strategy to implement the UNGP;
- The setting up of Extractive industries regulatory Act

and agencies such as NOSDRA and NESREA which can respond directly to information or complaints from affected communities, and the NDDC that can oversee projects carried out by my companies in the Niger Delta;

- The enabling courts to address human rights violations (see detail in “accountability” 3.1.3);
- Having the National Human Rights Commission address human rights and security issues;
- Campaigns against human trafficking and prosecution of offenders by the Department of Public Prosecutions (DPP).

The most relevant government agencies that companies report to are the Ministry of Environment (MoE), the Federal Ministry of Mines and Solid Minerals (FMMSM) and the Nigeria Security and Civil Defence corps (NSCDC). With a specific view on regulations that require reporting on human rights compliance, only a few MDA officials (38%) responded that the State has introduced regulatory requirements for companies to publicly report on their operations including on security and human rights issues. However, the examples given did not so much outline standard reporting obligations for companies and required action from the public to be set in motion, e.g. the general Freedom of Information Act (FoI) through which the public can request a report or that cases (incidents) could be reported to the police. Hence, the perception of the interviewees seemed not entirely in line with the reality of company' reporting obligations.

Through different Acts, policies and regulations, the government has laid down oversight and reporting responsibilities with a variety of government agencies and ministries that include topics relating indirectly to human

<sup>27</sup><http://www.nddc.gov.ng/about%20us.html>

<sup>28</sup>NEITI Act 2007: <http://www.petroleumindustrybill.com/wp-content/uploads/2012/07/neitiact.pdf>

rights compliance of companies. However, there does not seem to be one comprehensive law setting out the human rights responsibilities of companies in Nigeria and concerning the extractive industry specifically. Moreover, there is no specific government agency charged with monitoring of extractive company compliance and receiving reports of companies within the sector. It should also be noted that, again, the awareness of MDA officials of laws and responsible government agencies was not very comprehensive and training in that regard is needed.<sup>29</sup>

## 2.2. Companies: Trends and observation of company policies and their content

In order to comply with business and human rights responsibilities, companies should translate such requirements into human rights policies and processes that will integrate the human rights responsibilities throughout the company and its operations.

69% of the interviewed company representatives indicated to have incorporated VPs or human rights standards into their company policy framework and practices, while only in 44% of companies participating in the study that have formally committed to the VPs.

According to the respondents, companies are incorporating human rights standards in their practices through:

- Company human rights policy;
- Policies regarding training and capacity building of personnel, including e.g. that every new security personnel deployed to any of the company location undergoes an induction that includes the VPs;

- Procedures that set out reporting mechanisms for reporting incidents;
- Policies regarding the handling of incidents, such as who is responsible and reporting hotline;
- Company policy on security and weapon use;
- Inclusion of the VPs into contractual agreement with private security.

One company indicated that though they have formally committed to the VPs, there is not yet any implementation into policies and practice as guidance on how to do that is needed.

With regards to making their employees aware of policies and procedures demonstrating how they are personally expected to implement the VPs into their daily work, 62% of interviewed companies responded that they have developed processes or efforts to maximize employee awareness of the VPs and their capacity to implement them. Mostly this was done through staff induction courses and (re-) training; the distribution of information throughout the company, such as circulars and policies; and targeted engagement with field personnel.

### 2.2.1. Company policies and procedures regarding risk assessments

Most company representatives (94 %) responded that their companies conduct a security and human rights risk assessment regularly at all operations where security is being provided. The one company which did not was an agricultural company. In most of these cases (81%), security and human rights risk assessments are reviewed by the General Manager, lead security employee and lead employee for community relations.

<sup>29</sup>UNGP Principle 8 and commentary



**BOX:** *companies have different procedure and key tools to conduct security and human rights risk assessments and to integrate findings and the mechanisms for minimizing risk. Examples include:*

- *The department of security intelligence and surveillance develops a security risk assessment based on the current happenings in a particular location at a particular time;*
- *The Health, Safety and Environment (HSE) management system does the risk assessments and integrates findings through the conducting of Environmental Impact Assessments (EIA);*
- *Consultation and meetings with host communities are done to assess risks;*
- *Engagement of public security personnel take place to describe and rate the risk;*
- *Human rights and risk assessments are an integral part of the company security audit procedure and security audit records;*
- *Weekly review meetings are held by the security supervisor with the staff on Mondays and Fridays to review events that occurred.*

It is noteworthy that according to the respondents to the study security and human rights risk assessments are almost universally good practice among the companies interviewed, VPI members or not, and that many companies integrate data of external stakeholders, be they communities, public security forces or auditors. 68 % of company representatives indicated to consult with local communities regarding impacts of government security activities, and to identify community concerns regarding security arrangements in general. Further guidance could help companies to include more stringent human rights elements. For example, none of the companies participating in the study mentioned that their risk assessment included checks of human rights record of private and public security.

The interviewed agriculture companies stated to be focused on farm work and sales of products, and felt it is the responsibility of the security company to conduct any impact assessment.

### 2.2.2. Company Policies Regarding Security Arrangements

The majority of interviewed extractive companies indicated that they have different ways to communicate their security arrangements to the public and interested stakeholders, subject to overriding safety and security concerns. These included quarterly meeting between the company and the host communities to discuss issues relating to the general operation of the company including security issues, or meetings with the community leaders to relay information on any security issues and incidents, or through patrols of the security personnel during unrests in the community.

#### **Procedures and policies on engaging with public security:**

The legal provisions of to the police act,<sup>31</sup> [section 18 (1)] allow extractive companies or any individual who desires the services of one or more police officers for the protection of property to make an application to the Inspector General of the police stating the nature and situation of the property and any other particulars that the police may require. The approval

<sup>31</sup>See police: <http://lawsofnigeria.placng.org/laws/P19.pdf>

process and eventual deployment of police officers to the company could last between 30-60 days in practice. The regulation does not place any particular human rights obligations on the applicant, rather companies are required to pay for the services and maintenance of the officers. The Inspector General of the police has the power to approve and cancel approvals. Extractive companies also enjoy services of other public security particularly the Joint Military Task Force (JTF) comprising the Army, Navy, Department of State Security Services (DSS), Police- mobile unit (MOPOL) deployed by the government to protect oil and gas operations and facilities in the Niger Delta. The public security forces operate under the command and control of the Nigerian government and the respective security headquarters. Government is also a major player in the oil and gas industry as most major oil and gas companies operate a joint venture agreement with the Nigerian government. Most extractive companies have security departments and designated security leads that interface and coordinate interaction between the company and the public security.

31% of the companies responded that they have policies and basic principles of interaction with public and private security on security arrangements, deployment and conduct, consultation and advice and human rights abuse, which was reflected in different manners:

- In two cases policies required the inclusion of the language of the VPs in contracts and policies;
- In one case the measure was taken that public security entities and private actors were separately stationed, and the private actors were not allowed to engage with communities;

- In one case, the company claimed to be training the police on human rights.

Less than half of companies (43%) say that they promote the VPs during their interactions with public security forces, including by incorporating the VPs into security agreements. Interestingly though, these companies were not necessarily the VPI member companies nor the NWG participants. Of the 7 companies which said to promote the VPs with public security forces, only 4 were VPI and NWG participants. The companies who were not VP members or NWG participants claimed to employ this good practice on the basis of their own human rights and security principles.

#### **Procedures and policies on engagement of private security:**

In Nigeria, the legal framework governing private security providers (PSPs) is more comprehensive than that covering the extractive industry. Companies need to comply with the Private Guard Companies Act and Regulations.<sup>32</sup> The law does not address responsibilities or obligations for clients of private security, except that where more than one guard is contracted by any person or corporate entity, their private security provider needs to be licenced under the Private Guard Companies Act (Regulation 23), which should ensure that these PSPs comply with extensive set of quality criteria.<sup>33</sup> However, such a law does not exempt client extractive companies from their responsibility to perform human rights due diligence when hiring a private security provider.

PSPs are licensed and monitored by the Nigerian Security and Civil Defence Corps (NSCDC). The NSCDC carries out regular field visits to monitor the activities of PSPs. There are also reporting obligations placed on PSPs by the NSCDC. Much still needs to be done to create awareness and strengthen the

<sup>32</sup><http://observatoire-securite-privée.org/sites/default/files/kcfinder/Nigeria%20Factsheet.pdf> Laws exist for the private security industry; The regulation of the PSC industry is set out in the Private Guard Companies Act No. 23 of 1986, applicable to Private Security Companies (PSCs). The Nigerian Security and Civil Defense Corps is the legal authority overseeing PSCs in Nigeria, as provided for in the Nigeria Security and Civil Defense Corps (Amendment) Act.

<sup>33</sup>[http://observatoire-securite-privée.org/sites/default/files/kcfinder/Baseline%20Study\\_Nigeria\\_Final.pdf](http://observatoire-securite-privée.org/sites/default/files/kcfinder/Baseline%20Study_Nigeria_Final.pdf)

<sup>34</sup>Private Guard Companies Act, 1986, available at: <https://www.ohchr.org/Documents/Issues/Mercenaries/WG/Law/Nigeria.pdf>





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effectiveness of the internal accountability mechanisms within the security forces.

Most companies (81%) responded that the existing company procedures for the selection of private security providers require their commitment to human rights standards and review of their prior record of human rights compliance or criminal behaviour, so that violators of human rights (credibly implicated in the past) can be rejected. However, the type of human rights standards or criteria that private security contractors have to comply with differ, and some seem less adequate than others to ensure human rights compliance in security operations. Certain companies use standards which are not written for private security providers and therefore may not require feasible or appropriate actions, such as GRIs or the UDHR. Some companies select private security on the basis of recommendations by others. Only a very limited number of companies mentioned the ICoCA and UNGPs, which are directly applicable to PSPs, as required standards. 50% of companies confirmed to have integrated the VPs in the formulation of contractual agreements with private security providers.

The companies give different examples of ways in which they ask private security providers to evidence their commitment to required human rights standards, including by their membership of the UN Global Compact; previous and current trainings on human rights and security that they have received; and through carrying out due diligence of the company, vetting any individual or practice about which doubts are raised.

The interviewed agriculture companies do not ask for any evidence or commitment to human rights standards

from private security providers, either trusting on recommendations and approval by the Director, or claiming not to use private security company in their farms, but rather having private security personnel as employees of the farms. These individuals should however still be checked for human rights records.

Most companies (68%) include within their policies measures to ensure that private security personnel use appropriate levels of force and respect the human rights of others while on duty. Some examples of how are:

- Codes of conducts and rules of engagement to ensure only appropriate level of force action is applied;
- A prohibition for private security to bear arms;
- Regular monitoring and feedbacks on PSP behaviour, including routine check in the field of duty;
- Training on business, security and human rights and rule of law, which includes the VPs.

To summarise, while many companies require human rights commitments from private security providers, they are not always appropriate ones; more awareness of ICoC or UNGPs needed. Most companies check backgrounds and evidence of commitment to human rights.

### 2.2.3. Company Policies and Procedures for Reporting Incidents:

Most companies (81 %) responded to have developed reporting procedures that ensure security risks and impacts to human rights are flagged with the right level within the company and dealt with.

Most of the companies (75%) have processes for dealing with incidents, in particular in case of physical injuries or violent confrontation involving government or private security forces in and around the project area.



Company respondents listed the following examples as ways to handle incidents:

- Having all VPs related cases which are brought to the knowledge of the company are reported and recorded regardless of who was involved;
- Investigating all incidents and injuries, and providing medical service and sanctions where necessary;
- Having the security supervisor investigating complaints and reporting to the manager for action.

It should be noted that while a large majority of companies indicated to have procedures to deal with security incidents, the examples provided demonstrate that the procedures vary considerably among companies and relate rather to investigations. There is little indication of the existence of regular reporting cycles and how reports are subsequently dealt with. Companies should refine reporting processes regarding security incidents, in order to be able to effectively respond to them.

#### **2.2.4. Policies on Remedy for security related incidents:**

Most of the company (68%) responded that they have procedures or mechanisms to investigate and remediate security related incidents with human rights implications by public/private security forces relating to the company's activities.

Several companies indicated they have a dedicated team to investigate cases, ranging from having a Committee on gender and grievances with representatives of the committee in all operational bases, to having the a security department or security supervisor as first port of call, in one case being the farm manager. Escalation routes through managers and up to the director were also outlined.

Regarding remedies, not many details were given, except that there are “redress actions”, “mitigation of losses” and “appropriate sanctions”, which were in some cases determined by the security department in conjunction with human resources. One company also indicated as a remedy that people responsible for human rights violations were immediately disengaged from the company.

Companies indicated different ways in which staff, local communities and others potentially affected know about the grievance mechanisms:

- By informative circulars placed at strategic places;
- Through community governance structures such as the Community Trust Development Board in the Global Memorandum of Understanding (GMoU) Process;
- By reflecting them in company policy and publishing policy and procedures in the print and electronic media platforms of the company;
- By employing an external relations team that manages community feedback mechanisms to ensure that concerns and grievances can be raised;
- Through internal publications;
- Through meetings with the communities;
- Training of staff, community pipeline facilities surveillance workers, sometimes carried out by CSOs engaged by company.
- Training of all supervisors on first aid, which enables them to administer first aid before victims are taken to staff clinic for proper medical care once there is an incident of injuries;
- One company indicated that in case of injuries the company takes care of the medical bill of the victim and grants all other entitlement.



## 2. Procedures and Policies

In sum, not all interviewed companies have procedures to deal with investigation and remediation of complaints. Where such mechanisms were described, dedicated staff and procedures for escalation of cases seem to be in place, though more specifics would be needed to evaluate the full grievance mechanisms and processes per company. Interviewees did not give details about past complaints or incidents, so the efficiency of these mechanisms is hard to determine based on this data.

### **Challenges in the existing company grievance mechanism were identified by company representatives to include:**

- Financial implications and delays;
- Resolution process appears slow;
- Community expectation are sometimes unrealistic. Personal interest and politics of community leadership plays a role.
- Inadequate training and the level of awareness on human rights violations and abuse within the company;
- Low level of awareness on human rights and company grievance mechanism on the part of the members of the community;
- Hostile attitude of some community leaders to the company – *"A Chief in the CDA in one of the communities sold parts of our land to illegal miners without licence"*
- Poor knowledge and understanding of the VPs in the company;
- Weak feedback mechanisms, reporting and monitoring;
- Power-play along reporting channels – *"In the past, one of the staff had issues with the supervisor when we eventually noticed it, we made it clear that any issue against the supervisor must be reported directly to the Manager."*

### **2.3. The Role of Civil Society Organisations in setting laws and policies**

One of the key roles of civil society organisations when implementing the VPs into a national context, is to ensure that laws, policies, procedures and guidelines issued by governments and companies include the right type and level of human rights protection and that concerns from a civil society and community perspective are addressed by these instruments. 88% of interviewed CSOs said that through their interaction with different stakeholders they have managed to strengthen government policies, procedures and guidelines related to the implementation of the VPs, and / or other international standards and guidelines related to human rights. Common ways in which CSOs strengthen policies and procedures are through consultations, advocacy, media engagement, trainings and awareness creation, workshops and active participation at public hearings on legislation and robust engagement of policy makers.

75% of CSOs said to have been increasingly consulted for legal reform or regulatory initiatives of the government. 25% of CSOs feel that CSOs are ones pushing to be consulted rather than being actively invited to. More CSOs are now attending public hearings, and awareness and involvement is higher than before.

Specifically, CSO involvement in legal and regulatory reform have included consultations for and participation in:

- Amendment of the NOSDRA Act and development of Petroleum Industry Bill (PIB), through NACGOND and its member organizations;
- NHRC Amendment Act;

- Administration of Criminal Justice Reform Act, which was initiated and led by CSOs;
- Draft National Action Plan on the UNGP BHR (56% of CSOs said they were consulted); the draft NAP acknowledges the VPs as key international instrument due to CSOs active engagement in the Nigerian roundtable on business and human rights which has the mandate to draft the NAP;
- The Nigerian Bar Association (NBA) issued a communique calling on the Nigerian government to sign on to the VPs due to CSOs engagement at the NBA conference;
- Promotion of gender equality, including by contribution to the National Gender Policy;
- Contributions to policy and institutional recommendations to address mercury and leads exposure;
- Child Right Act;
- Review of the Labour Law on casualization and temporal staffing;
- Discrimination Against Persons with Disability (Prohibition) Act.

75% of CSOs interviewed affirmed that they have promoted the adoption of the VPs and human rights in company policies but 25% either did not or are not aware of the VPs. Ways in which CSOs promote company adoption of the VPs include: advocacy, media engagement, trainings and awareness creation, workshops, and consultations. Specific examples that were mentioned include:

- Engagement with the regulatory agencies like State Ministries of Environment and NOSDRA, to enforce compliance with regulatory laws and industry standards;

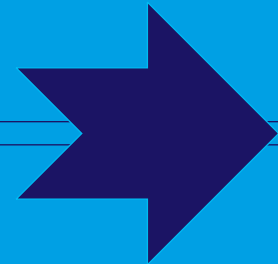
- Putting pressure on companies to conduct risk and impact assessment;
- Capacity building and training of company management and security agents deployed to companies;
- Provide guidance to development of human rights policies and codes of conduct;
- Advocating for safer mining and provision of social amenities in mining host communities;
- Advocating for environment-friendly and community-inclusive resource exploitation practices.

62% of CSOs consider that interaction with companies on the topic of VPs and/ or security and human rights in the past year has increased compared to previous years. Such interactions happen on average about 5 to 6 times a year.

The vast majority of interviewed CSOs agreed that instances where they were consulted to give input into laws and regulations of government and policies of companies on the VPs and related topics has been increasing. Especially the level of consultations for State legal reform is encouraging. Regarding direct interaction companies, CSOs had a more diverse experience; this could be improved.



# IMPLEMENTATION



The impact that laws, policies, regulations and commitments of governments and companies have on human rights compliance within security arrangements will depend on how well these instruments are implemented into practice. Implementation requires resources, the right sort of awareness raising activities, commitment of personnel, and cooperation with external stakeholders. It needs mechanisms that evaluate if the implemented policies are effective and if not, ensure they are adapted. Implementation also requires a system of accountability for when policies have not been implemented correctly or were inefficient and rights are violated. To this effect, government agencies which are responsible for applying laws need to fulfil their oversight function; public security forces need to be aware of their human rights obligations and know how to apply them; companies need to understand their obligations under laws and regulation and company personnel needs to understand how to operate in compliance with policies; and communities need to know about their rights and accountability mechanisms in order to be able to claim them.

### 3.1. Government

#### 3.1.1. Implementation of laws and policies:

Governments ensure the implementation of their human rights commitments by putting laws and policies into practice. Interviewed MDA officials indicated several ways in which the government addresses the extractive industry. However, as was noted above, no general laws setting out human rights responsibilities for business exist, nor any law specifically addressing the extractive industry, which would include provisions on human

rights and security. The laws and regulatory authorities that were mentioned by interviewees relate mostly to the environment and environmental damages. Section 2.1. sets out several laws and policies which the government has set out to that effect. These are important in the prevention and addressing of root causes to company –community conflicts, but do not directly relate to the issue of human rights compliance in security arrangements. This section will thus look at the implementation of those laws, by lack of dedicated human rights and security laws and regulations.

For the implementation of the laws and regulation set out in Section 2.1., dedicated government agencies need to be mandated to oversee compliance with the laws. The most relevant agency in this regard is NOSDRA,<sup>34</sup> a multi-agency response approach to the management of oil spill incidents and overseeing the oil industry regarding spill. The NOSDRA Act in principle and practice mandates companies and oil spillers to report an oil spill in writing within 24 hours to the nearest Zonal Office or National Control and Response Centre. Failure to report attracts a penalty of a daily fine for each day of failure to report occurrence. Failure to clean up the spill is penalized by a further fine. Others are NESREA<sup>35</sup> which oversees environmental regulations and the NDDC, that oversees development around oil and gas projects in the Niger Delta<sup>36</sup>, briefly discussed in section 2.1. The answers to the survey did not demonstrate the level of effectiveness of these agencies.

Additionally, the National Human Rights Commission set up a special investigation panel to look into several complaints about oil spills in the Niger Delta. The international oil companies (IOCs), NOSDRA and the Ministries of Environment were summoned by the Commission, but some oil companies responded by going to court to challenge the

<sup>34</sup><https://www.nosdra.gov.ng/index.php>

<sup>35</sup><https://www.nesrea.gov.ng/>

<sup>36</sup><http://www.nddc.gov.ng/about%20us.html>



### 3. Implementation

mandate of the NHRC to unfold such an investigation. The matter is still in court.

Regarding the protection of the environment and livelihoods of communities, the interviewed MDA officials pointed out various of these instruments that monitor and address adverse environmental impact by businesses, such as:

- NOSDRA, which ensures oil companies comply standards through remediation at oil spill sites, payment of adequate compensation to affected communities where the cause of oil spillages is not due to third party interference and holding private and public oil companies accountable for the environment where they operate.
- NOSDRA also relies on Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) to monitor and coordinate oil spill incidences in Nigeria.
- The Federal Ministry of Environment, which ensures that every major investment initiated by government, private organisation or individual conducts an Environmental Impact Assessment (EIA). The EIA unveil the likely adverse impact that a project may have on the environment. If the impact is going to be severe, the project will not be approved;
- Monitoring and evaluation in line with the 2011 Mineral Act, though respondents had doubts about its efficiency;
- Public Complaint Commission (PCC), an Ombudsman set up to redress complaints against administrative injustice;

- HISBAH Commission, religious police force predominantly in the northern part of Nigeria responsible for the enforcement of Sharia laws.

#### 3.1.2. Government awareness raising and dialogue:

The majority of MDA officials (61%) responded that public security forces have been provided with information and training on business and human rights. The police force is trained at the Police College to understand the principles of human rights, but training on the VPs still needs to be added to the curriculum. Trainings specifically on the VPs is mostly organized by CSOs.

Only about half of the interviewed government MDAs agreed that the government consults and works with companies, communities, and civil society organizations to ensure business and human rights/ VPs compliance. The most relevant examples of such consultation and cooperation included engagement during the NAP development process and the Annual Human Rights Summit, which is considered as providing a platform for human rights stakeholders to meet on promotion, protection and enforcement of human rights in Nigeria.<sup>37</sup> Other institutionalized ways of consultations are through NOSDRA, which has been engaging with companies, communities and CSOs, and the National Coalition on Gas Flaring and Oil Spills in the Niger Delta (NACGOND) which discusses issues that will improve environmental management, and the Open Government Partnership (OGP), a multi-lateral initiative where government works with civil society to co-create action plans with concrete steps and commitment across a broad range of issues including transparency and accountability and citizens engagement in government.

<sup>37</sup>2019 Human Rights Summit Awards publication by National Human Rights Commission, Vanguard, November 15, 2019, pp 21.

Implementation of the VPs and security and human rights standards cannot be successful if the communities which they are supposed to protect are not aware of the standards agreed and the rights and protection they can derive from them. Thus, awareness raising discussions with the community are crucial. At the same time, these engagements can provide an important opportunity to receive community feedback on the situation on the ground regarding actual and potential adverse human rights impacts, and the relation with the company.<sup>38</sup>

According to interviewed MDA officials, the government promotes and ensures engagement and consultation of communities by business in the following ways:

- All extractive business operators are required to inform communities about their intentions and request for their cooperation by laws, such as the EIA Act of 1992 and the Code of Corporate Governance 2018, although such provisions were seen as not very explicit;
- There are set out procedures for community engagement in the Nigerian Local Content Act on how to employ personnel and community employment quota are stipulated. How security conduct their work in the community and the likely impact on the community are provided for the code of conduct and rules of engagement of the various laws establishing the security agencies (Police Act, Armed Forces Act etc). Companies are also expected to carry out Environmental Impact Assessment by the EIA Act while social projects are implemented in the communities in accordance with the National Petroleum Investment Management Services (NAPIMS) guidelines;

- Community representation is a requirement at oil spill Joint Investigation Teams;
- The Ministry of Environment goes to the host communities for observation before licenses are issued;
- Roundtable meetings and community town halls are organised to inform local communities.

Only one MDA interviewee was of the opinion that the government is not doing anything in particular to promote engagement and consultation.

Interviewed MDA officials indicated that the government monitors the impact of business on the host communities by:

- Designated monitoring teams in different ministries, such as the Federal Ministry of Environment, monitor the impact and mitigation processes mostly of extractive companies to avert negative impact on host communities;
- NESREA, which works with relevant stakeholders such as the Ministry of Environment to ensures compliance with environment standards. This is done through periodic monitoring of business operations and checking the level of compliance with environmental standards, laws and regulations;
- Different engagement approaches such as stakeholder forums, town hall meetings and partnerships are organised involving major stakeholders whose lives and activities might be impacted by the business operations;
- NOSDRA's Joint Investigation visits (JIV) to oil spill sites, which establish the cause of the spill, the volume spilt, and the area impacted, this is followed by enforcement of spill site clean-up, remediation processes and monitoring of air quality.

<sup>38</sup>UNGP Principle 18 UNGP Principle 18





### 3. Implementation

Some MDA officials indicated that they feel the government doesn't really enforce monitoring nor addresses the impact of business on host communities. Overall, there was little consensus among the interviewed MDAs regarding the efforts of the government to raise awareness of the applicable rules with companies, communities and public security, as well as the level of consultation of the communities and monitoring of impacts on communities, with only about half of them indicating that this happens and giving examples.

#### 3.1.3. Accountability and access to remedy:

A crucial part of implementation of standards is ensuring accountability for violators and redress for victims if violations occur. Thus, States need to make sure that within their territory and/or jurisdiction, victims have access to effective remedy.<sup>39</sup> The presence of the High Court across the 36 states of the federation and the FCT provides an access to remedy for victims of human rights violation. Article 46 (1) of the 1999 Constitution of the Federal Republic of Nigeria as amended stipulates that; *any person who alleges that any of the provisions of the fundamental human rights has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress*. This provision appears to place the burden of reporting on the victim. The National Human Rights Commission also provides access to remedy and accepts human rights complaints through a dedicated hotline, petition and other reporting mechanisms. Also, there are public complaint response units, human rights desk offices and civil-military desks for complaints about public security that ensure accountability and access to remedy in the system.

A number of companies have been brought before the high court and other accountability mechanisms, for instance in the 2019 case of oil producing communities and Farmers association vs an extractive company, that took place in one of the baseline assessment states.<sup>40</sup> Similarly, in 2016 the Oil Producing Network of communities challenged eight oil companies operating in the state before the National Human Rights Commission special investigation panel, demanding N34 trillion as compensation for violation of environmental rights and oil spills.<sup>41</sup>

Regarding the mechanisms to follow-up on violations of these laws and regulations, most MDA officials (69%) responded that the government has taken appropriate steps to ensure that human rights abuses within its territory by third parties, including extractive companies and public and private security providers, can be investigated and punished within the judiciary, in particular through:

- Access to law courts, which differs per actor. For the Nigerian Police force, the personnel are tried in Police Orderly Room while Military officers are court-marshalled according to the various Acts which also acknowledges the powers of civil court and civil trials [Armed Forces Act sections 170 (1-2), 206; the Police Act sections 38, 45 (1-2)]. The military, police, paramilitary authorities and public servants are also tried in regular court of law particularly for human rights violations committed by officers.
- ECOWAS court where parties can seek redress outside Nigeria;
- National Human Right Commission is one of the government mechanisms to serve as neutral arbiter in the 36 states of the Federation.

Interviewed MDA officials gave several examples of

<sup>39</sup> UNGP Principles 25

<sup>40</sup> National Media report: <https://www.independent.ng/environmental-pollution-human-rights-commission-akipcon-floor-shell-in-appeal-court/>

<sup>41</sup> National media report: <https://guardian.ng/news/group-drags-oil-firms-to-nhrc-demands-n34-trillion-compensation/>



government institutions and initiatives that help to implement and monitor laws and regulations and compliance with them. However, it is difficult to derive the level of efficiency of these institutions from the available data. A more structural review of the activities of monitoring institutions and the amount and outcomes of complaints would be necessary.

### 3.2. Company implementation

In order to further VPs and human rights implementation, companies should raise awareness of what their policies and procedures look like and aim to do, so that communities understand what they can expect and demand of companies, and carry out human rights due diligence.<sup>43</sup> They should ensure remediation in case they do cause or contribute to adverse impacts.<sup>44</sup>

#### 3.2.1 Company awareness-raising and community engagement

Different companies indicated that they partake in activities to promote cross-pillar implementation of the VPs/human rights in Nigeria, including through:

- Participation in NWG, and cross-pillar sharing of ideas and experiences;
- Participation at VPs workshops with government and the rest of the pillars;
- Engagement of the government on VPs policy formation;
- Funding and sponsoring of some activities geared towards promotion of the VPs in Nigeria.

The agricultural companies interviewed did not have prior knowledge or policies on the VPs.

Most companies (62%) indicated that they try to support outreach and create awareness of the VPs and human rights in general. In relation to human rights in general, companies highlighted that efforts to engage with local communities and obtaining Free, Prior and Informed Consent (FPIC) include:

- Developing Community Development Agreements;
- Initiating dialogue with the community and community leaders ahead of the marking of new locations or commencement of farms;
- Having regular stakeholder meetings (either townhall or otherwise) organized by the site management and security manager at the sites;
- Having the Public Affairs or similar department work with community leadership for effective collaboration.

Companies participating in this study affirmed that they also take into account inputs from external stakeholders in order to decide and/or update their security arrangements. However, there is a variation in the sources of information and how data is being collected. Some examples included:

- Suggestion boxes are provided at company premises where issues are picked and channelled to the appropriate committee for redress;
- Regular meetings between company and communities, are instituted to strengthen relationship;
- Community Development Agreement (CDA) under the Mineral and Mines Act and Environmental Reclamation Plan, which requires the holder of a mining company to conclude with the host community where the operations are to be conducted prior to the commencement of development within the lease area. The CDA ensures the transfer of social and economic benefit to the community;<sup>45</sup>
- Complaints from clients and communities are reported to the company and such cases and complaints are reviewed at management meetings.

<sup>42</sup>UNGPs Principle 16

<sup>43</sup>UNGPs Principles 17 - 21

<sup>44</sup>UNGPs Principle 22

<sup>45</sup>Article 116 of Nigerian minerals and mining Act: <https://nlipw.com/nigerian-minerals-mining-act/>



### 3. Implementation

Many respondents stated that consultation of local communities to inform the security assessment was undertaken by the company representatives. Local communities were consulted by 11 out of 16 companies, at times jointly with the Government Security Forces. The communities were interviewed on the impacts of government security activities in order to identify community concerns regarding security arrangements. Some examples of how this was done include:

- In some cases, companies have specific personnel dedicated to consult with the local community, e.g. community relations officers, a community relations services project, or Community trust committees;
- Some companies organise regular consultations with communities, through setting up quarterly meetings, by regular engagement of chiefs and other specific members of host Communities;
- One company pointed out that the only way community members can communicate with the company is to officially write to the company;
- One company indicated that hosting communities are made aware of important company places relating to the security of its personnel and equipment. The company ensures that Pipeline Facilities and Surveillance personnel (PFSP) who are mostly community members are trained on human rights and how to protect the equipment and pipeline;
- One company pointed out that consultation of local community on security arrangement is carried out by public security forces including the Nigerian Army, Police and NSCDC.

Some agriculture companies do not use government security forces and they declared not to have had serious security issues with the host communities. Most of them have an understanding with the community leaders on how security issues involving company staff and community should be reported and handled. Some agriculture companies feel that it is the responsibility of the security company to conduct security impact assessment. However, the answers given also indicated a lack of awareness of human rights standards and what risks and impacts may look like, in stark contrast with the nuanced awareness shown by many extractive companies. It may thus be that the agricultural sector underestimates their responsibilities and impacts when it comes to security and human rights. More consultations and research are needed in this sector.

The majority of companies engages in cross-pillar outreach and awareness-raising activities with other external stakeholders. When it comes to consultations with the local communities, most companies could name some activities, but most did not come across as robust and structured. It should be noted that this type of stakeholder engagement is absolutely crucial to the implementation of solid human rights policies and practices, as well as to measuring their effectiveness and adapting them to lessons learned. It should be done by all companies. Additionally, some companies indicated practices that seem problematic, such as having the writing of a letter to the company as the sole route to communicate with the company or leaving engagement on security concerns of the community to the government. Therefore, more work needs to be done with companies to clarify the importance, aim and best practices of community engagement on security and human rights. Further guidance is necessary on how to ensure monitoring and evaluation systems that measure efficiency of measures taken and potential adaptations needed.

### 3.2.3. Monitoring and remedy

#### Monitoring risks and impacts on the community:

Most companies (94%) said to monitor their security arrangements' risks and impact on local communities, in particular on children, women and minorities. However, the effectiveness of their monitoring practices is difficult to assess, as a limited number of examples were provided to the research teams.

Only about half of the interviewed companies declared to have employees on the ground with VPs/HR specific responsibilities.

*"Each site/location has at least one local trainer while the security manager is responsible for the security risk assessment. Cases are escalated to the security audit team and corporate security general manager."*

While it is positive that almost all companies are aware that the monitoring of impacts of their security arrangements on local communities should happen, standards to do so seem to vary widely. Companies need more information on how to do this and ensure that monitoring is done in a way that is structural and efficient. They need to find out whether their efforts to raise awareness are correct and working.<sup>46</sup>

Moreover, respondent companies affirmed that no HR incidents were recorded in the past year. On the other end, communities affirm that HR violations did occur during the same period. This contradiction seems to confirm the need for companies to reinforce their monitoring process in order to be able to correctly identify and respond to HR incidents.

Indeed, besides impact measurements, most of the company respondents said to have no idea about

mechanisms in place to review progress on implementing the VPs in Nigeria and collection of lessons learned. Only one company responded that their General Manager is required by management to provide regular updates and progress reports on the VPs.

#### **BOX:** Challenges to VPs implementation, as seen by companies:

*Companies consider the following as challenges for VPs implementation in Nigeria:*

- *Non-inclusion and non-participation of host communities in the VPs to address the issues affecting the rights of host communities in an inclusive manner;*
- *Corruption and delays in securing approval for mining licenses from government by companies;*
- *Inadequate funding for VPs activities including consolidated training and re-training of company staff and security personnel;*
- *Continuous human rights violations by the government security forces;*
- *Illegal miners operating on company mining sites, that often necessitate use of force by companies;*
- *Lack of Information sharing and limited awareness of the VPs among companies;*
- *Lack of commitment to the VPs by the companies in the extractive industry, with most companies not yet members of the VPs and thus under no obligation to implement them;*
- *Lack of commitment by the federal government to the VPs;*
- *Legal implications of commitment to the VPs and the need for binding and judicial consequences for non-compliance;*
- *Few CSOs involved in the monitoring of VPs compliance among companies;*
- *Volatile nature of the oil-rich Niger delta region which necessitates the use of armed security in company facilities.*

<sup>46</sup>UNGP Principle 20



## 3. Implementation

### 3.3. Civil Society Organisations' implementation

The role of CSOs in implementing the VPs is multi-fold, including broadly: 1) awareness raising on the VPs to a multiple set of actors; 2) training on the topic; 3) monitoring the security and human rights situations as well as potential violations. These activities are unfolded for a varied audience, including communities, extractive companies, security providers, governments, and even other CSOs.

#### Awareness raising:

Participants in the study affirmed that CSOs develop activities to promote understanding and awareness of the VPs in Nigeria, mostly through (media) advocacy, sensitization and awareness campaigns; consultative meetings with stakeholders, participating in the VPI Steering Committee visit to Nigeria; or providing information on the website of organizations and IEC materials. WhatsApp platforms are also used, including one of the NWG and one of a VPI member CSO; these platforms are used to share information about the VPs, security and human rights related issues as well as conflict early warning signs.

69% of CSOs do not consider such awareness raising activities have increased compared to previous years. 50% percent of CSOs have carried out about 1-4 of such activities throughout the year, 27% more than 5 times per year, and 23% does not carry out awareness raising activities.

#### Training:

63 % of CSOs have engaged in training on the topic. Most of the actors engaged in the trainings are:

- Public security; Police, NSCDC (4 CSOs)
- Private security and Association of private security providers (3 CSOs)
- CSOs (including CSOs coalition members at periodic meetings e.g. NACGOND quarterly meeting) and Media (2 CSOs)
- Company employees (2 CSOs)
- Local community members (2 CSOs)

Results of such trainings included: increased knowledge of human rights among security providers; greater compliance and respect for human rights; increased confidence in the security providers; and safer mining practices.<sup>47</sup>

*"We have not been engaged in any training on the precise topic of 'Voluntary Principles on Security and Human Rights and would appreciate the opportunity to do so – CSO"*

Most CSOs (81%) are making efforts to increase transparency, and support the implementation of the Voluntary Principles. This is done primarily through advocacy and roundtables, or by facilitating dialogue between e.g. the mining communities and mining companies. Most relevant examples include;

- Advocacy engagements with relevant government MDA officials;
- CSOs roundtables and multi-stakeholder dialogues on transparency and accountable including companies and communities;
- CSOs active engagement and demand for greater accountability natural resource governance at the Nigerian Extractive Industry Transparency Initiative (NEITI);

<sup>47</sup> Respondents claimed measurement of results is done through quarterly public perception survey and periodic feedback from communities. Change in knowledge measured through pre-post training evaluations. The data for change in knowledge was provided to surveyors

- Establishment of Community Monitoring Groups (CMG) as feedback mechanism on corporate human rights violations and public service delivery;
- Legislative advocacy for greater transparency and accountability in government at the National Assembly in Abuja;
- Submission of memos and active participation in public hearings at various legal and regulatory reforms including the NOSDRA and PIB Act;
- Public awareness creation and media advocacy on issues of transparency and accountability, human right and security;
- Research, social impact assessment and citizens report cards on transparency and public service delivery;
- Training of public officers on accountability and financial fraud risk management;
- Media and CSO workshop on reducing losses from refinery operations and crude oil theft, organised by the Nigerian National Resource Charter (NNRC).

CSOs described efforts to engage with or support engagement with the public security sectors and/or private security sectors. Besides training for public security (including the Nigerian Police Force, Nigerian Army and Personnel of the Nigerian Security and Civil Defence Corps), CSOs have contributed to book chapters on security, human rights, responsible policing and community rights; conducted legislative advocacy on security sector reform, responsible security and emergency response; and supporting the setting up of Human Rights Desks in Police and Military commands in the oil-rich Niger Delta region with the approval of the various command headquarters.

*“We submitted memorandum to the Senate Committee on Police Affairs on the Review of the Police Act Amendment Bill, 2018”.*

### **Monitoring:**

A few CSOs are said to be making efforts to conduct risk assessments and monitor potential human rights violations in Nigeria. Interviewed CSOs gave various examples of efforts:

- Conduct of baseline assessment to know the risks mitigation needs of the community;
- Independent CSOs grievance mechanisms such as Human Rights Clinic that take complaints and facilitate access to remedy using Alternative Dispute Resolution (ADR) mechanisms;
- Industry related activities of CSOs coalitions, such as the National Coalition for Gas Flares and Oil Spills in the Niger Delta (NACGOND);
- Petitions to National Human Rights Commission on the violation of human Right of mining communities in Zamfara state;
- Strengthened community monitoring groups and volunteers;
- WhatsApp groups to monitor (report) potential human rights violations in Nigeria.
- Creating networks of CSOs in order to monitor company security impacts was mentioned in several different ways with regard to better monitoring.

*“Most CSOs need capacity building to be able to conduct monitoring and risk assessment compliance with the VPs – they are not focused on that now.”*



### 3. Implementation

Most CSOs do not have mechanisms in place to monitor implementation of the VPs within communities. However, a few CSOs mentioned:

- Community monitoring and feedback mechanisms are being set up to give updates on company human rights records;
- Training of pro-bono lawyers and community members in order for them to be able to monitor and demand accountability.

CSOs seem to be very well engaged in efforts to raise awareness of the VPs and human rights topics and employ various activities to that end including training of all relevant stakeholders. However, the monitoring role of CSOs when it comes to impact on communities and compliance of companies could be expanded upon. The mechanisms and training that are in place to enable monitoring of the extractive sector seem to have suffered from a lack of resources and (consequently) ability for long-term planning of the efforts. Feedback mechanisms and trained community and legal experts who can take observations of violations forward would be extremely valuable in achieving accountability, and more efforts and resources should be addressed to this.

**BOX:** *According to CSOs, the following presents the challenges, lessons-learned and opportunities to advance the VPs in Nigeria:*

#### *Challenges:*

- *Inadequate resources and funding for implementation of VPs activities in Nigeria*
- *Lack of monitoring tools for reporting on the level VPI implementation*
- *Limited involvement of traditional rulers of local communities on the NWG of the VPs*
- *Limited knowledge and awareness of the VPs among stakeholders*
- *Sustaining institutional memory of the VPs is quite challenging due to high rate of turn-over in government.*

#### *Lessons:*

- *In advancing the VPs, it is important to communicate to the corporate sector that the operating environment becomes more conducive for good business.*
- *Most oil companies are seeking to become human rights compliant through application of the VPs.*
- *The language of communicating the VPs to government is critical to ensuring the government is comfortable with the VPs, rather than viewing it as part of the “western agenda”.*
- *The VPs have expanded their linkages to companies, CSOs and the government, as well as public and private security providers.*
- *With the VPI Steering Committee visit, the Nigerian government has appreciated the VPs as a vehicle for promoting investment.*

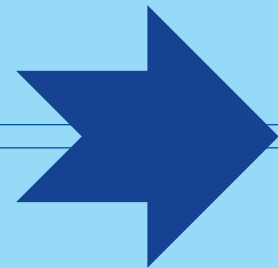
#### *Opportunity*

- *The legal reform across the extractive sector provides an opportunity to advance the VPIs*
- *The representation of relevant government ministries and agencies at the NWG provides opportunity for continuous engagement of the Nigerian government on the VPI.*
- *There is opportunity for growth and getting more government members to be involved in the dialogue.*





# IMPACTS OF BEHAVIOUR OF SECURITY PROVIDERS





## 4. Impact of Behaviour of Security Providers

### Public Security

The spearpoint of implementation lies in the change in behaviour of those security actors whose actions may impact directly on affected stakeholders. Whether or not they incorporate standards into their operations will make the difference on the ground.

92% of police officers deployed around companies participating in the study affirmed that they have been provided with information and training on the VPs and business and human rights either by government, companies or CSOs led initiatives. Of those interviewed, only about 46% had been deployed close to an extractive company operation in the last 2 years.

Interviewed public security officials indicated that they were aware of existing government mechanisms to ensure that public security forces do not violate the rights of citizens, and gave some examples:

- Nigeria Policing Program (NPP) interacts with the police to make sure they do not go beyond their constitutional mandate. The Police Act stipulates the roles of the police to protect the life and properties of every citizen. The NPP and human right commission are the major bodies working along with the police to ensure compliance. The topic of fundamental human rights is a regular part of Nigerian Police meetings and lectures.
- NSCDC trains its personnel and regularly reminds them of the prohibition to violate human rights. The organisation is guided by the mandate and law that established it. This also informed the content of Civil Defence trainings, which focuses more on civil

engagements, best practices on human rights and international standards.

- Regular training of security personnel is done by different governmental and non-governmental organisations, especially at the point of recruitment.

The interviewees also were aware of a number of technical mechanisms that exist to hold public security forces accountable for their actions. They mentioned:

- Servicom on the activities of public security personnel: Servicom is an institutional mechanism established to receive complaints and ensure that organs of government in Nigeria are effective in service delivery. There are Servicom desks situated in most MDAs. In the case of convictions, disciplinary actions by the authority can include stoppage of salary, transfer from location, etc.;
- Telephone hotlines: The public can call and report violations by public security;
- Identifiable vehicles and uniforms: Security officers use marked vehicles and identification tags and are made aware of the rules of engagement. This helps enable the public to trace and identify security personnel in case of misconduct or violations;<sup>48</sup>
- The Nigeria Police Public Complaint Rapid Response Unit reporting platforms on social media: These platforms seek to support the public to report incidents of alleged violations;
- The Human Rights Departments of the Nigerian Police Force: The Department receives human rights related violation complaints. It is usually headed by senior police officers with legal background.

<sup>48</sup><https://www.npf.gov.ng/complaint22/>



**BOX: Impacts and challenges of VPs implementation:**

Likely impact of implementing the VPs in Nigeria as described by the Nigerian Police and Nigeria Security and Civil Defence Corps (NSCDC):

- “It will promote the implementation of human rights standards in Nigeria and create a society with less rights abuses and peaceful co-existence;
- Proper implementation of the VPs will lead to increased synergies and smoother relations between the public and security forces, crime reduction, saner and safer society;
- The impact would go a long way towards implementing the UN Guiding Principles in Nigeria;
- Training and re-training will enhance the performance of duties by security personnel.”

The likely challenges to enable a human rights and VPs compliant practice from officers deployed around extractive sites:

- Government does not take necessary actions to deal with and minimise the risk of human rights abuses in the extractive industry;
- Lack of capacity and adequate training of security personnel;
- Lack of security amenities and equipment to be functional at all time, especially equipment to assess scene of incidents and crimes;
- Low awareness of the VPs/UN Guiding Principles on Business and Human Rights and other human rights instruments at the grassroots level;
- Most citizens are not aware of existing grievance mechanisms and where to lodge complaints about public security;
- Most citizens do not give the security forces credible information on human right violations such as domestic violence, child abuse, cases of rape, sexual harassment in the workplace;
- Lack of accountability including through shielding of leaders of public security forces of their personnel when abuses are reported against them;
- The voluntary nature of the VPs does not make it enforceable in the law court, people may not take it seriously unless there are sanctions. Governments should create sanctions for abuse and violations as soon as they sign the VPs;
- The weak enforcement of laws and high level of corruption in government will affects VPs/ human rights implementation.

*“...If any complaint of violation is reported against any public security especially the police force, such complaints would be vigorously attended to (investigated), should the person be found culpable in the act, then proper police channels for disciplinary actions and sanction will apply.” (Interviewed public security official)*



## 4. Impact of Behaviour of Security Providers

### Private Security

Most interviewed private security (77 % of respondents) discussed that they have been provided with information and training on the VPs and business and human rights from either clients, government or their own management.

Existing government mechanisms to ensure that private security forces do not violate the rights of citizens were described by interviewed private security actors as:

- Trainings, offered by the government, or sometimes in collaboration with client company;
- Monitoring and supervision of compliance by the NSCDC with the legislation on private security companies;
- Reporting, including on training obligations and violations of human rights, to the NSCDC.

Interviewed private security providers also indicated that they were aware of mechanisms of client companies to ensure that private security forces do not violate human rights, giving examples such as:

- Providing training and re-training on security, human rights and the VPs;
- Providing information, education and communication (IEC) materials on human rights;
- Some client companies have a community relations office where cases of human right violation are reported;
- Client companies usually have a reporting obligation in the contract, requiring e.g. periodic and quarterly reports to client company;
- Private security at the client company works with public security, especially mobile police officers who help to handle cases beyond their mandate;

- A standard clause on respect for human rights is included in contractual agreements by some client companies.

*“...Nigeria Security and Civil Defense Corp do send their personnel to monitor our activities from time to time, usually unannounced.”*

About 62% of interviewed private security providers responded to have been consulted by the client company or other actors on the implementation of the VPs, in particular on compliant security arrangements.

According to interviewed private security providers, the government ensures that private security providers do not perform services that are the essential responsibility of state security force by law,<sup>49</sup> including by not allowing them to carry arms. Every private security company is registered with the Nigerian Security and Civil Defense Corp under category A, B or C and none of these categories is licensed to carry arms; the Government also stipulates that private security personnel must have clearly defined mandates preventing them from violating their authority and improperly interfering in national law enforcement roles.<sup>50</sup>

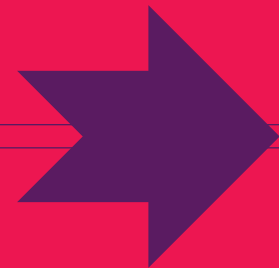
A large percentage of the interviewed private security providers seems to be informed to a certain extent about security and human rights, and is aware that a level of oversight by the client company of their behaviour exists, as well as efforts by the government to improve private security behaviour and oversight. They are also aware of the limitations imposed by law on their mandate vis-a-vis public forces. Client companies, especially those participating in the VPI, should undertake more structural action to include human rights standards for private security in contracts, and train and make aware the personnel of private security companies of their responsibilities, and monitor their behaviour.

<sup>49</sup>Private Guard Companies Act 2004; Firearms (special provisions) Act; Nigerian Security and Civil Defence Corps NSCD Act 2003 amendment of 2007; Nigerian criminal Code; Nigerian Penal Code.

<sup>50</sup>Private Guard Companies Act, 2004 Law of the Federation of Nigeria Part III Article 21 Prohibited activities offences, penalties etc.



# AFFECTED COMMUNITIES



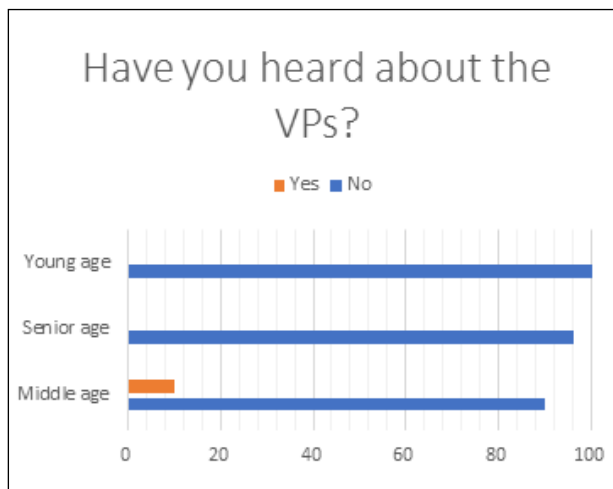


## 5. Affected Communities

Less than 7% of interviewees from local communities are aware of the VPI and understand what rights they have. Only a few local community residents have heard about the VPs through sensitizations, trainings and online. The remaining 93% percent have not heard about the Vps.



Awareness of the VPs among local communities is generally low, and for local community women there was no awareness at all about the VPs, which raises the question of inclusion and equal access for women in VPs awareness programmes.



Young people and senior people in local communities are not aware about the VPs, while only about 10% of interviewed middle age persons in local communities is aware about the VPs. VPs awareness programmes in the country thus need to factor in age as well as gender considerations.

Less than 45% of community leaders know where to go with complaints or reports of incidents. Most community members (55%) are not aware of company mechanisms to ensure the protection of the rights, including complaints mechanisms or places to report incidents. Those that are aware described company grievance mechanisms to include:

- Community liaison offices;
- Public affairs departments;
- Communication through community leaders and chiefs, who write to the company;
- Established Regional Development Councils /Cluster Development Boards under the Global Memorandum of Understanding (GMOU) community interface model;
- Periodic and quarterly meetings between host communities and company where issues relating to the communities are discussed.

CSOs engage with communities to raise awareness on the VPIs and visit with communities in order to be able to represent their interests in VPI meetings. 67% of local community leaders responded that organizations / CSOs came to talk to them about human rights in the last one year. The type of engagement and CSO activities in the communities were described as:

- Sensitization meetings on women rights, oil spills, gas flaring, peace building, and SDGs;
- Training on Peace Building and the oil spills Joint Inspection Visit (JIV) process;
- Advocacy engagement, including through community dialogue, Town hall meetings and group discussions;
- Survey and Research;
- Monthly Review meetings;
- Health talks and awareness creation on the dangers of lead poisoning and host communities' right;
- Different meetings and trainings on human rights, security, etc

From the above, it is clear that CSOs play an extremely important role in informing communities on their rights, human rights standards and initiatives, and as a link to bring their concerns to wider processes. Apart from their presence and activities, communities do not seem to be well informed. However, even in the existing CSO initiatives there is room for improvement, in particular in making awareness raising initiatives accessible to all age groups and genders.

Most local community leaders (63%) said not to have been consulted by the extractive and agriculture companies in the last one year. The few local leaders consulted are mostly senior and middle age men which again raises the question of inclusion of women and young persons in the company consultative process with local communities.

Company consultations with local communities in the past year were mostly described as happening:

- At the start of a new project or a new location for oil exploration in the community;
- Through offering jobs, employment and trainings in the community;
- When there are land issues and selections of project sites;
- Remediation of the community environment after the lead poisoning crisis;
- When there is need for site clearing in a project;
- Through initiatives aimed at strengthening relationship between the company and the community;
- To appease the community youth when there is trouble.

Most local community leaders (57%) responded that there has been no consultation around security arrangements with the communities.

Less than 43% of local leaders responded that such consultations happen quarterly or between 2- 5 times in a year. Commonly listed actors in such meetings included representatives of;

- Companies;
- State government;
- Public security – Department of State Security Service (DSS), Nigerian Police Force (NPF), Nigerian Security and Civil Defence Corps (NSCDC), Nigerian Army (NA), Joint Task Force (JTF - is a joint task force set up by government);
- Community - President General, Community Development Committee (CDC), Secretary, Public Relation Officer (PRO), Youth president, chiefs, vigilante groups.



## 5. Affected Communities

### Incidents and impacts on communities

Most local leaders (57%) responded that security arrangements had impact on the communities. The impacts of security arrangement were, interestingly, only described in positive terms. However, this may have been due to how the question was interpreted, as there were some incidents described in later answers (see below). The positive impacts were described as:

- Reduced crime rates, especially stealing and violent cult related activities;
- More peaceful and improved security situation in communities;
- Conflict resolution between traditional leaders and youth leaders, Police, Army, and NSCDC;
- Strengthened community policing efforts to protect community people and business from attack.

The impact is said to be felt by every member of the community including leaders, youths, women, children, men, chiefs and vigilante as well as the public security stationed in and around the community.

*“Improved community - company relations have lessened security impacts on communities” (Interviewed community member)*

Most local leaders who were interviewed (69%) have not staged a protest at company premises in the last one year.

When protests took place in the last year, they occurred in relation to:

- Continued gas flaring that destroys roofs and the vibration from company operations that cracks houses without any form of compensation;
- The discussions and negotiation of MoUs;
- Regarding employment of community persons;

- Non-payment of compensation for suspension of fishing activities in the river due to passage of company equipment;
- Provision of basic social services like electricity, health care and water;
- Refusal of the company to consult with communities and pay compensation for environmental damage occasioned by oil spillages in 26 communities in Ibeno LGA of Akwa-Ibom State.

Companies resolve most disagreements in coordination with but hardly to the satisfaction of the community.

Figure 2 shows the rating of communities regarding their relationships with companies, government public security at the company, and the private security employed by the company. For instance, 58 % of community respondents incited a “good rating” of private security employed at the company. Meanwhile, 41% of community respondents indicated a “poor rating” of government security working on the sites. Figure 3 indicates examples provided regarding the rationale for the responses.

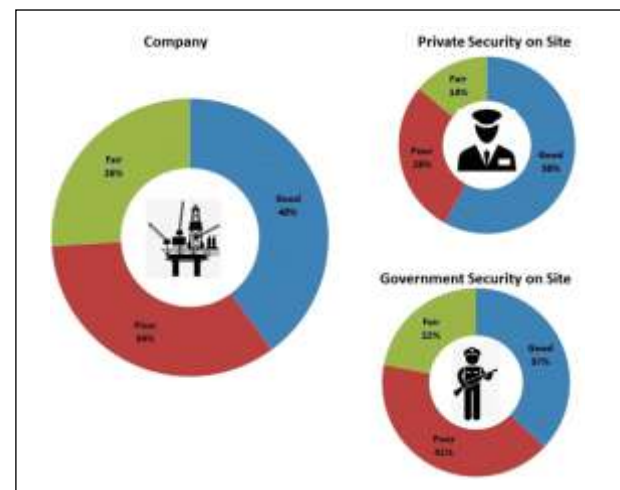


Figure : Community Rating of Relationships with Stakeholders

STAKEHOLDER	REASONS FOR THE RATING	STATUS OVER THE LAST ONE YEAR
Company	<p>“The companies do not give employment to our people. Companies impose decisions on us with the support of the public security. No provision of basic social amenities and services in our community. They do not give attention to women and youths. They give our people scholarship from primary school to university level, train our community youth and support community development efforts.”</p>	Changing for the better
Government security at company	<p>“Harassment, intimidation, torture and aggression to community people. We have understood the channel of reporting to the right authority.”</p>	Changing for the better
Private security at company	<p>“They respect the right of community people; they do not harass or harm us. However, most times they take side with the company if there are issues.”</p>	The same

**Figure 3:** Reasons and status of stakeholders' ratings

Most community leaders (61%) have observed rights violations of their community by the company in the last one year. A number of the rights violation described were not directly linked to companies but the violations were said to be on the increase compared to previous years. e.g.

- Labour rights including short-changing workers' pay - at some point such incident led to crisis which was later resolved;
- Right to life - company boat killed 2 persons in Delta state;
- Environmental rights including increase oil spills and gas flaring without compensation payment to affected communities and the situation keep worsening with resumed operation of two more indigenous companies;
- Temporal denial of social economic rights including the company switching off community power supply for more than one week;
- Incidents involving women or children on human rights abuse were mentioned, though without any specific examples;





## 5. Affected Communities

- Right to personal liberty and freedom – kidnapping, unnecessary attacks mentioned were not linked to company.

Communities also specifically listed incidents linked to the protection of extractive sites by public and/or private security such as violation of:

- Right to personal dignity - public security attached to company often threaten people around the beach in Akwa-Ibom;
- Excessive use of force, violence of threats, harsh and abusive words, intimidation and harassment by public security personnel;
- Physical assault, shouting and pushing of community people by public security attached to company.

This being said, most community leaders (60 %) responded that the number of security and human rights related incidents have decreased the last one year or two. Less than 22% of local community leaders responded that there have been incidents with company security in the past year mostly in Akwa-Ibom and Imo States but the complaints have not been taken up.

### **Some of the incidents mentioned included:**

- A soldier linked to an oil company shot a boy dead at a community in Ohaji-Egbema area of Imo state. The case was said to have been reported to the police but local community leaders fear that nothing may be done about it;

- Three youths were killed by public security attached to an oil company at a community in Ibeno LGA of Akwa-Ibom state and the company was reported to have done nothing about it and offered no remedy options for the affected family members;
- At a community in Ndokwa West LGA of Delta state, youths were flogged by public security while embarking on a peaceful protest;
- One of the managers of a company invaded the compound of a community leader without prior consent and was locked up for hours in the compound until other management staff intervened;
- Protest by the youths over oil spills and gas flaring in Akwa-Ibom State, taking a complaint to the company but there has been no response to date;
- Frequent clashes were reported between public security and local community members protesting over issues of environment, farmlands, and human rights around oil and gas companies in the South-South region;
- In Nassarawa local community leaders decried cases of cattle eating their farm crops before harvests as well as armed attack;
- It is said that company security use force to disperse community members whenever they embark on protest to present their demands.

Some of the issues were said to have been reported to the National Human Rights Commission and investigation is said to be on going.

Only a few companies responded that security and human rights related incidents have increased. In one case, this was attributed to the fact that the company's public relation office



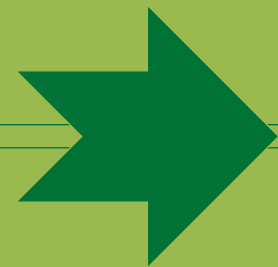
was headed by a non-indigene, whom they consider as not having proper understanding of the plights of the host communities.

The incidents reported are serious and do give an impression that incidents are still regular and common. Most strikingly, there is very little mention of incidents that were resolved or followed up by either police or companies when they had been reported. The NHRC seems to have been engaged on occasion, but no concrete resolution was reported there either. Though the interviewed community representatives said the relationships with the companies and public security of

companies was changing for the better, and with private security has stayed the same, the relationships with all three are still described as predominantly negative. The awareness of company complaints mechanisms is very low, as is the awareness of the VPs and other rights initiatives. This raises the questions whether rights violations are being correctly identified as such and if the community members have the tools and channels to report on them. Consultations of the community on topics such as the security arrangements are also not common practice according to the community leaders and should become more of a priority for companies and governments alike.



# CONCLUSIONS AND RECOMMENDATIONS



## Gaps and challenges in implementation:

### Commitments

- To date, the Nigerian government is not a member of the Voluntary Principles on Security and Human Rights Initiative and the government has not supported the initiative. With public support, the government of Nigeria would demonstrate its interest in VPs implementation and further communicate to companies its expectations in terms of respect for human rights by security providers.
- Not all interviewed extractive companies have joined the VPI (44%), and only about 70% of those interviewed have incorporated security and human rights responsibilities into company policy and practices. Where companies had committed to human rights through other initiatives, these were in several cases not those best suited for (extractive) companies but, for example, State-focused or not sector specific.

### Policies and Procedures:

- There is a lack of comprehensive and targeted laws, regulations and standards from the government to implement human rights within the extractive industry in general, and consequently, an absence of provisions addressing their security arrangements, human rights risk assessments and interactions with security providers that would be part of such laws and regulations. As far as laws do address this sector or topic in part, there is a lack of awareness of such instruments in relevant government Ministries, Departments and Agencies (MDAs).

- The Governments of Nigeria should clarify for companies what their human rights responsibilities are, in particular regarding human rights compliant security arrangements, and where they can find clear guidance on how to apply such responsibilities their policies and operations.
- Companies should adopt more specific policies and procedures to implement more responsible business practices in relation to human rights in general and security and human rights in particular.
- More awareness among CSOs about the content of the VPs and the potential role of CSOs within the VPI is necessary to commit more CSOs to promoting the initiative. This is especially the case for local CSOs.
- More direct engagement with companies by CSOs would capitalize on their role to raise awareness and understanding on security and human rights and ensure inclusion in policies.

### Implementation:

- Existing government mechanisms to prevent and address human rights violations due to security arrangements of companies need improvement. Apart from several government agencies that implement laws and acts partially related to the extractive industry, but focusing rather on environmental impacts, there is no central oversight mechanism for the extractive sector which would monitor their human rights compliance in security arrangements.
- Efforts of the government to raise awareness across companies, CSOs and public security regarding applicable laws and regulations, and consultation of communities regarding impacts of the extractive sector seem limited.



## 6. Conclusions and Recommendations

- The importance, aim, and best practices of undertaking community engagement seem not to be fully understood by many companies. Extractive companies need guidance and clarity on how to engage with communities regarding the impact of their security engagement, as well as on the reporting processes and monitoring systems that should be in place to take feedback on these impacts, incidents, and effectiveness of measures taken.
- Public security forces are not trained on the VPs by the government nor is there a strong clarity on mechanisms to prevent and address potential violations by these actors.
- Existing extractive company mechanisms to prevent and address human rights violations by private security providers should be more visible and more effectively communicated. For instance, it is not clear to personnel of private security providers if client companies include the VPs in the contract with their company.
- There was no mention of reviewing human rights records of private and public security in the human rights risk assessment of companies.
- Mechanisms for addressing incidents and complaints from the local community appear not to be well known by communities. When known, those mechanisms are often perceived as slow and ineffective. Company mechanisms appear inconcise and out of step with UNGP standards.
- While overall resources available to CSOs around business and human rights topics may have increased, more resources are needed that are

directed to VPs implementation specifically in order to support CSOs in their role in the initiative.

- Most CSOs do not have mechanisms or tools for monitoring human rights risk assessments and compliance by VPI members, which was largely attributed to a lack of capacity within CSOs.

### **Impacts on communities:**

- The level of awareness of rights by communities is extremely low. Most local communities have not been reached by VPs awareness programmes and have not heard about the VPs nor know much about human rights. The level of knowledge is even lower among women, youth and elderly.
- There were a number of CSO engagements with local communities in the last year regarding human rights, but none of these engagements focused at raising awareness of the VPs.
- Most local community leaders are not consulted by the extractive and agriculture companies on security risks. The few consultations done are mostly with senior and middle age men which raises the question of social inclusion of women and young people in the company consultative process with local communities.
- Consultations currently do not sufficiently include questions about impacts of security arrangements on communities, nor achieve dissemination of knowledge about company complaints procedures.
- Consultation with communities are mostly silent on gaining free prior and informed consent (FPIC)
- Incidents of human rights violation in local communities

are said to have decreased in the past years, though the examples of incidents named were still of a very serious nature. There is low awareness on where to go with complaints, and those that were reported to authorities were not followed up on.

- Relationship with government security and extractive companies were said to have improved over the past year, however, they were still predominantly described as quite poor. The majority of the community representatives were said to have observed human rights violations by companies over the past year.

## RECOMMENDATIONS

### Government:

- The Nigerian government should engage with the Voluntary Principles on Security and Human Rights, for example through public policies that demonstrate government commitment to promotion of human rights and fundamental freedom in the business environment.
- Existing laws should be reviewed, and gaps in legislation filled by drafting new laws (including a dedicated law on business and human rights), policies and standards to enable implementation of human rights in the business sector, including in their security arrangements.
- Dedicated government agencies should be set up to monitor and implement such laws within the extractive sector in order to prevent human rights violations. Their mandate and oversight functions need to be clearly communicated to companies and security actors involved in companies' security arrangements.
- The level of awareness of MDA officials around the existence of regulatory instruments, and their meaning, needs to be improved, so that subsequently the awareness raising role of government towards industry, CSOs and communities on applicable standards can be expanded. The role of the National Orientation Agency (NOA) is critical in this and in the sensitisation of the public on business and human rights and the VPs.
- Government' and companies' mechanism for taking up incidents and complaints from local communities should be strengthened and clearly communicated to stakeholders. Government and companies should ensure their mechanisms for receiving complaints regarding human rights violations by companies are aligned with the UNGPs.
- Government should strengthen accountability for companies in the judicial system through clear laws and accessibility of the judicial institutions for such complaints against companies and linked security forces.
- Processes of obtaining FPIC in consultation and engagement with local communities by companies and government should be strengthened beyond the mere signing of community development agreements, to ensure that actual FPIC is obtained.
- The general training curriculum for public security forces particularly the police should include relevant parts on the VPs. The National Human Rights Commission has been working with public security to mainstream human rights in their training curriculum. This should be strengthened working in collaboration with the police training institutions and the ministry of interior.



## 6. Conclusions and Recommendations

### Companies:

- Deliberate effort should be made at creating awareness and increasing knowledge of the VPs and security and human rights standards among companies in Nigeria, including explanations about why the VPs are the most adequate tool for security and human rights implementation for the extractive industry and how they can be used to inform policies and procedures. The government can also have a role in this, by including the VPs or implementation requirements in licencing criteria and targeted regulations. CSOs can also provide more specific guidance to companies and work directly with companies.
- Company consultative processes with local communities need to be strengthened. Most of the companies participating in the study have developed some sort of community engagement and practices were highlighted by some of them. However, there is a need for more structured consultations. These need to reflect good practices in terms of how the company consults communities (when this should be done, through what channels, with trained staff) and in particular how to be inclusive to participation of women and young persons who are often disenfranchised in local decision making processes. The government should play a role in issuing more stringent requirements in this regard. CSO training and awareness raising activities can support this by clarifying how important consultation processes are and how they are best done.
- Companies should strengthen inclusion of the VPs in contracts with private security and MoUs with public security, to use as mechanisms to prevent and

address human rights violations and abuse by private and public security. A dissemination plan, to create greater awareness of such mechanisms by operators in the field, should be developed. Appropriate legislation and regulatory obligations by government with clear mechanisms (agency) to enforce and track compliance should require this.

- Human rights records of private and public security need to be given adequate consideration in the human rights risk assessments of companies. Companies should demand such records from security providers and reference them in their agreements and MoUs.
- Companies should strengthen their reporting and monitoring mechanisms regarding the VPs and human rights implementation in their policies in order to measure their effectiveness, within the company as well as externally. This should be joint by processes to integrate lessons learned. In particular, the impact of security arrangements on local communities should be measured, as current perceptions of companies and communities regarding incidents seems to diverge widely. Governments can play a role by including more stringent reporting criteria in licencing criteria and targeted regulations.
- Companies should consider innovative forms of security arrangement, for instance, through stronger engagement with local community members to provide surveillance and protect company facilities. Companies can leverage on the lessons and good practices in the Pipeline Facilities and Surveillance Programme (PFSP) deployed by oil and gas company in the Niger Delta.

**CSOs:**

- More direct engagement between CSOs and companies would be beneficial to raising awareness and advising on implementation.
- Communities seem to be mostly informed by CSOs about the VPs and security and human rights. Besides this informative role, CSOs could potentially play a role in supporting victims of violations in finding redress and remedies.
- CSOs awareness programmes about the VPs and human rights are crucial for communities to receive information on their rights and should increase. They should give greater consideration to social inclusion, particularly along different gender and ages. CSOs can take the lead in such awareness raising programmes especially at the local communities, with the support of the companies and government. Web based platforms can be used to complement existing approaches for wider coverage.
- Interviewed CSOs said that their focus remained on representing the interests of the vulnerable communities affected by the activities of the extractive sector e.g. the impact of environmental degradation on livelihoods which often takes the form of poverty and breeds insecurity. Existing and future programmes could be set up broader, to integrate the VPs in such work or to focus on broader community considerations within VPs work.
- Training and sensitisation of community members on human rights complaints and reporting mechanisms. Training for private and public security providers should also be extended to security formations beyond company premises.

**Members of the VPI:**

- More resources should be allocated to CSO and government activities that are specifically aimed at VPs implementation, and the inclusion of the VPs into wider programmes addressing sustainability, coordination and impact. Such activities should represent the interests of the vulnerable communities affected by the activities of the extractive sector and particularly explain what rights communities have and how to claim those rights by monitoring and reporting incidents and pursuing remedy.
- Capacity building programmes should be developed for local civil society organisations and relevant government MDAs to equip them with the requisite skills needed to monitor risk assessments and VPs compliance by VPI members in the country.
- While the implementation of the VPs should be relevant to the specific contexts, the VPI could clarify the role of the VPs in country working groups. Moreover, the VPI or other actors involved in the support to VPs implementation, like DCAF as the 'preferred organisation' for VPs in country implementation should support the working groups in developing their strategies, workplan and becoming more evidence based.
- The VPI should encourage and facilitate experience sharing from the different VPs in country working groups. This will enable to build from the experience of one another, share success, and strategies to overcome relevant challenges.

**Role of the NWG in the implementation of the recommendations:**

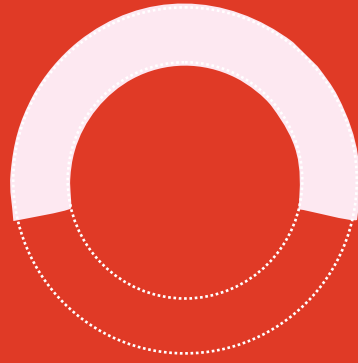
- The NWG should coordinate and provide leadership and guidance on the implementation of the findings of the report by pillar members.



## 6. Conclusions and Recommendations

- The NWG should engage with the government to monitor compliance.
- The NWG should create public awareness on the baseline report to bridge the perceived information gap about the VPs and the activities of the group. Engagement of the media is key in this regard.
- The findings should serve as a tool for multi-stakeholder dialogue and engagement with the relevant government representatives and other critical stakeholders to develop a national policy framework that would institutionalise the VPs in Nigeria.
- The NGW should use this report in order to develop NWG activities and the workplan to address the gaps identified in the report.
- The NWG should share its experience in carrying out this baseline study with the VPI through the annual plenary and annual report to enable lessons-learning.
- The members of the NWG should aim to update the draft National Action Plan on Business and Human Rights with the report findings working collaboratively with critical stakeholders.





# APPENDIX





## ANNEX I:

### Selection of participants for the study

Company participants were purposively drawn from extractive and agriculture companies, with representatives comprising of senior management, security leads, public and community relations, health safety and environment and in a few instances, enumerators were directed to operations, and assets. 2 extractive companies and one Agriculture company were selected in each of the target states, however in some of the states, enumerators could not access an agriculture company due to administrative bureaucracy and the remote location of the farms. 16 companies comprised 12 extractives and 4 Agriculture companies were interviewed.

Participants were drawn from the Nigerian government ministry and institutions related to extractives and agriculture, human rights, security and justice. Mostly senior officers including directors, zonal and state coordinators, and public relation focused on human rights, security and gender. Three members of the government interviewed were member of the NWG.

Agriculture company were included in the study reference Activity 4- Gather data for the national baseline and scoping study on VPs implementation in 6 states of 5 geo-political zones in Nigeria in the “Promoting the Voluntary Principles on Security and Human Rights in Nigeria (VPiN) project. The NWG consider the VPs as a relevant tool that has the potential to address the heightened security and human rights challenges in the Agriculture sector, particularly the notorious herders-farmers violent conflict in Nigeria

16 Nigerian Civil Society Organizations comprised 3 NWG members and 13 non-NWG members were drawn from CSOs focused on VPs, extractives and human rights. Specifically,

executive directors, presidents, coordinators and deputy directors were interviewed. In some instances, enumerators were directed to interview human rights and security specific program leads for non-NWG CSO members. 2 CSOs were selected in the 6 states, however, in one of the states 3 CSOs were interviewed. In addition, 3 NWG member CSOs were interviewed.

Public security agents interviewed were drawn from senior police officers not below the position of divisional police officers around extractive and agriculture companies. In some cases, respondents were human rights desk officers and station officers who were not below the rank of inspectors. Private security company participants were drawn from directors, managers, supervisors and superintendents and heads of operations of the PSPs in or around extractives and agriculture companies. 2 PSPs were selected in each of the 6 states.

Local community participants were drawn purposively from both high risk and low risk communities in terms of proximity to and impact of extractives and agriculture companies - and security operations. Interviewed participants comprised traditional leaders, men, women and youth leaders in the communities.

### Participants per pillar and other stakeholders

1. 16 companies - [12 Extractives (4 NWG members, 8 non-NWG members), and 4 Agriculture companies].
2. 16 Civil society organization (3 NWG member, 13 non-NWG member)
3. Nigerian Government [5 ministries and agency, and Human Rights Institution (3 NWG member ministries and institution)]
4. Other Stakeholders
  - i. 13 Public security officers (8 Police and 5 Nigerian Security and Civil Defence Corps)
  - ii. 12 Private security providers.
  - iii. 49 community leaders

**ANNEX II:**

Baseline Assessment Tools

**INTERVIEW GUIDE/QUESTIONS****QUESTIONS - COVER PAGE****A.****INTRODUCTION**

(Interviewer introduce self, the NWG and talk about the objective of the baseline study, and also allow interviewee to introduce her/himself)

E.g. My name is — and I work for the ———, we are a member of the Nigerian Working Group (NWG) on the Voluntary Principles on Security and Human Rights (NWG). LITE-Africa in collaboration with the NWG is carrying out a national baseline study on the VPs in 6 states of the 5 geo-political zones of Nigeria to develop a national baseline and policy framework that will strengthen the protection and respect for human rights in business environment in Nigeria. We are talking to different stakeholders including government ministries, public and private security, companies, CSOs and local communities who are knowledgeable on these issues and we consider you as one of the critical stakeholders.

This interview will last for about 15 - 25 minutes and we will appreciate if you can share your perspective with us on the issues.

**CONSENT:** Interviewer obtain consent from the interviewee { } Obtained

**B.****DEMOGRAPHIC INFORMATION**

1. DESIGNATION/POSITION (Interviewee): \_\_\_\_\_
2. GROUP: { } Company \_\_\_\_\_ { } Government Official: \_\_\_\_\_ { } Community \_\_\_\_\_  
 { } Public Security \_\_\_\_\_ { } CSO \_\_\_\_\_ { } Private Security \_\_\_\_\_  
 { } Others \_\_\_\_\_
3. GENDER: { } Female { } Male



4. AGE BRACKET: { } Youth (<30yrs) { } Middle Age (30-45yrs) { } Senior(>45yrs)
5. GEOPOLITICAL REGION: \_\_\_\_\_ 6. STATE: \_\_\_\_\_
6. DATE OF INTERVIEW: \_\_\_\_\_ 7. INTERVIEWER: \_\_\_\_\_

**GROUP A: CIVIL SOCIETY ORGANIZATION**

- 1 Have you been engaged in the Voluntary Principles Initiative over the past year? If yes, give the most relevant examples
- 2 Do you see an increased amount of CSO VP members in the country or an increased amount of CSOs working on the topic?
- 3 Do you see increased CSO engagement and dialogue with others on the VPs compared to previous years?
- 4 Is promotion of the VPs an integral part of your work files? Have resources allocated to the topic increased over the past year?
- 5 Do CSOs strengthen policies, procedures and guidelines related to the implementation of the Voluntary Principles into relevant government policies, as well as international standards and/or guidelines? If yes, in what way?
- 6 Have CSOs been included and consulted in the NAP on BHR?
- 7 Have CSOs been (increasingly?) consulted for legal reform or regulatory initiatives of the State?

- 8 Do you promote the adoption of the VPs in company policies? If yes, in what way?
- 9 How often have you interacted with companies on the topic of voluntary principles and / or security and human rights in the past year? Is this an increase since previous years?
- 10 How do CSOs raise awareness of and promote understanding of the VPs in Nigeria?
- 11 How many of such awareness raising activities have you organised over the past year and is this an increase compared to previous years?
- 12 Have you engaged in any training on the topic? If yes, of what type of actors and with what results?
- 13 Are CSOs making efforts to increase transparency, and support implementation of the Voluntary Principles? If yes, give most relevant examples
- 14 How do CSOs engage and facilitate participation of non-member CSOs, affected communities, and other relevant stakeholders in VPs/Human rights workshops.
- 15 Describe CSOs efforts to conduct and monitor risk assessments for potential human rights violations in Nigeria.
- 16 Describe your efforts to engage with or support

engagement with the public security sectors and/or private security sectors in Nigeria.

- 17 What mechanisms do you have in place to monitor members of the VPIs in implementation of their roles and responsibilities as members?
- 18 What are the Lessons, challenges and opportunities to advance the VPIs in Nigeria

### GROUP B: COMMUNITY

- 1 Have you heard about the VPIs? How and where?
- 2 Are you aware of company mechanisms to ensure the protection of the right of your community members, including complaints mechanisms or places to report incidents? If yes, what sort of mechanisms?
- 3 Have there been any incidents with company security in the past year and if so, has the complaint been taken up?
- 4 Has any organization /CSO come to talk to you about human rights in the last one year? If yes, describe type of engagement and CSO activities in your community.
- 5 Have you been consulted by the company in the last one year? If yes, about what?
- 6 Has there been consultation around security arrangements with the communities? If yes, how many times, and who were involved?
- 7 Has there been any impact of security arrangements on the communities? If yes, what impact? On which members of the communities?
- 8 Have you or your community members staged a

protest at the company premise in the last one year? IF YES, describe the reason of the protest

- 9 Was the reasons for protest resolved to satisfaction?
- 10 How would you rate your relationship with the company , AND what is your reason for the rating..... Has this rating changed over the last year for worse / better? Rate on scale 0
- 11 How would you rate your relationship with government security forces at the company AND what is your reason for the rating..... Has this rating changed over the last year for the worse / better? Rate on scale 0 to 5
- 12 How would you rate your relationship with private security providers in the company AND what is your reason for the rating..... Has this rating changed over the last year for the worse / better? Rate on scale 0 to 5
- 13 Have you observed any rights violations of your community by the company in the last one year, IF YES; What rights were violated? Is this an increase or decrease of incidents compared to previous years?
- 14 Have there been any incidents with company security in the past year and if so, has the complaint been taken up?
- 15 Have the number of security and human rights related incidents increased or decreased the last year (or two)?



**GROUP C: COMPANY**

- 1 Has the management of your company publicly committed or endorsed the VPs? If yes, describe the company process of disseminating the commitment publicly
- 2 Has the local manager or security lead (country or site level) committed publicly to the VPs? If yes, explain how.
- 3 Has your company participated in the NWG on the VPs?
- 4 Has your company committed to any other human rights initiatives? If yes, which
- 5 Describe the company public statement of commitment or endorsement of the VPs/human rights and processes of disseminating the commitment in company location
- 6 Has the number of companies participating in the VPs initiative in Nigeria increased over the past year? (VPI members only)
- 7 Has the company incorporated the Voluntary Principles into company policy framework and business practices? If yes, describe in what way.
- 8 Has the company developed processes or efforts to maximize employee awareness of the Voluntary Principles and their capacity to implement them? If yes, name the most pertinent efforts.
- 9 Does the company conduct a security and human rights risk assessment regularly at all operations where security is being provided?
- 10 Is the security and human rights risk assessment reviewed by the General Manager, lead security employee and lead employee for community relations?

- 11 Describe the company procedure and key tools to conduct security and human rights risk assessments, and integrate findings and the mechanisms for minimizing risk
- 12 Do the company and Government Security Forces consult with local communities regarding impacts of Government security activities, and to identify community concerns regarding security arrangement? Describe how.
- 13 How is input of external stakeholders taken on board by the company? What type of information is taken on board from external stakeholders?
- 14 Does the company monitor its security arrangements' risks and impact on local communities, in particular on children, women and minorities? If yes, what do the procedures include?
- 15 Are there employees on the ground with VPs-specific responsibilities? In particular, staff with responsibility of security risk assessments?
- 16 Does the company make security arrangements transparent and accessible to the public, subject to any overriding safety and security concerns? If yes, in what way?
- 17 Do the existing company procedures for the selection of private security providers include requiring their commitments to human rights standards and prior record of human rights compliance or criminal behaviour? If yes, to which standards?
- 18 How does the private security companies provide evidence of its commitment to required human rights standards?

- 20 Are the VPs integrated in the formulation of contractual agreements with private security providers?
- 21 How does the company ensure that private security providers implement what is in the contract, such as the use of appropriate levels of force and respect for human rights? If yes, give details.
- 22 Does the company promote the Voluntary Principles on Security and Human Rights in its interactions with public security forces, including by incorporating the VPs into security agreements?
- 23 Does the company have policies in place to encourage government or other stakeholders to implement adequate human rights training to public security forces?
- 24 What are the company policies and basic principles of Interaction with public/private security
- Security Arrangements
  - Deployment and Conduct
  - Consultation and Advice
  - Human Rights Abuse
- 25 Has the company developed reporting procedures to ensure security risks and impacts to human rights within the company?
- 26 Does the company have processes for dealing with incidents, in particular in case of physical injuries or violent confrontation involving government or private security force in and around the project area? If yes, describe.
- 27 Does the company have procedures or mechanisms to investigate and remediate security related incidents with human rights implications by public/private security forces relating to the company's activities? If yes, describe the company's grievance process for responding to and remediating adverse impacts.
- 28 How does the company ensure that staff, local communities and others potentially affected know about the grievance mechanisms?
- 29 What are the challenges in the existing grievance mechanism and how can they be addressed?
- 31 Describe company promotion of cross-pillar (govt, Company & NGOs) implementation to support implementation of the Voluntary Principles/human rights in Nigeria
- 32 Has the company taken initiatives to raise awareness and promote the VPs with external stakeholders such as:
- Nigerian governments ———
  - Contractors and sub-contractors——
  - Civil society organizations——
  - Local communities ——
- 33 How does the company support outreach and create awareness of the VPs/HR (education or training) with ...
- relevant personnel,
  - private security
  - public security
  - civil society (e.g. local NGOs, community groups)
- 34 What is the process of familiarizing the national and local government with the VPs?
- 35 What are the existing mechanisms for measuring impact of the awareness programs/trainings?





- 36 Describe efforts to engage with local communities and ensuring Free, Prior and Informed Consent (FPIC)?
- 37 Have any human rights violations accusations been recorded regarding your company in the last one year ; IF YES, What type of rights violations this it concern?
- 38 Does the company have mechanisms in place to review progress on implementing the VPs in Nigeria and collect lessons learned?
- 39 What does your company consider the challenges and opportunities for VPs implementation in Nigeria?

#### GROUP D: GOVERNMENT

- 1 Has the State given a formal statement of support for the Voluntary Principles on Security and Human Rights?
- 2 Has the State given a formal statement of support for the UN Guiding Principles on Business and Human Rights? If yes, and what does the government support to the implementation the Guiding Principles look like?
- 3 Has the government participated in initiatives, multi-stakeholder or otherwise, on business and human rights?
- 4 Has the government publicly engaged and communicated its commitment to the promotion of human rights in business/the VPs? If yes, in what way?

- 5 Does the government intend to include security and human rights policies and initiatives in the NAP(National Action Plan) on Business and Human Rights?
- 6 Has the State adopted policies, legislation, procedures, and/or guidelines relevant to promoting and protecting security and human rights, consistent with the VPs / international human rights obligations? If yes, describe the most pertinent.
- 7 Has the government taken appropriate steps to ensure that human rights abuses within its territory by third parties, including extractive companies and public and private security providers, can be investigated and punished within the judiciary?
- 8 Has the government set out measures which outline clearly the expectation that all businesses domiciled in Nigeria respect security and human rights principles in Nigeria and abroad? If yes, can you describe the most relevant in your view? Examples of laws, regulations and policies
- 9 Has the State introduced requirements for companies to publicly report on their operations including on security and human rights issues?
- 10 How does the government ensure protection of human rights and good conduct by security providers?
- 11 Have the public security forces been provided with information and training on business and human rights?
- 12 How is the government monitoring and addressing adverse environmental impact by businesses?
- 13 How does government monitor and address impact of business on the host communities?
- 14 How does government promote and ensure engagement and consultation of communities by business?

- 15 How does government provide, monitor and ensure access to remedy for security and human rights violations in the business environment?
- 16 How does government hold its security forces and private security service providers accountable for their actions?
- 17 Does the government consult and work with companies, communities, and civil society organizations on business and human rights/ the VPs? If yes, give the most relevant examples.

#### GROUP E: PRIVATE SECURITY

- 1 Have private security actors been provided with information and training on the VPs/business and human rights from clients, government or own management?
- 2 What are the existing government mechanisms to ensure that private security forces do not violate the rights of citizens? E.g. ask about training, reporting obligations, and monitoring by State authorities.
- 3 What are the mechanisms by the client company to ensure that private security forces do not violate the rights of citizens? E.g. ask about inclusion of human rights and VPs in contracts, training, reporting obligations, and monitoring
- 4 Have you been consulted by the client company or other actors on the implementation of the VPs, in particular on compliant security arrangement?
- 5 How does government ensure that private security providers do not perform services that are the essential responsibility of state security force?

#### GROUP F: PUBLIC SECURITY

- 1 Have the police/military forces been provided with information and training on the VPs and business and human rights?
- 2 What are the existing government mechanisms to ensure that state forces do not violate the rights of citizens?
- 3 Have you been deployed close to an extractive company operation in the last 2 years? IF YES; how did the company create awareness of its commitment to the VPs/human rights standards?
- 4 Have you been consulted on the security situation and how to implement human rights in the security arrangements?
- 5 What mechanisms exist of the government to hold public security forces accountable for their actions.
- 6 What do you think will be the likely impact of implementing the VPs/United Nations Guiding Principles on Business and Human Rights in Nigeria
- 7 What are the likely challenges in implementing the VPs/United Nations Guiding Principles on Business and Human Rights in Nigeria.



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