

LEGAL REVIEW OF CORPORATE SOCIAL RESPONSIBILITY IN GHANA AND NIGERIA*

Abstract

The pursuit to achieve sustainable development in Africa has led to the highlighting of crucial developmental concepts of which corporate social responsibility is part. This academic piece seeks to review the practice of this mainly philanthropic concept in Ghana and Nigeria from a legal point of view. Ghana and Nigeria are economic power houses in the Africa, and on several occasions these two countries have set the pace for development initiatives for other countries in Africa. The need for this review has been driven by the lasting impact and effective progression of concepts established and entrenched by law. By previewing some implicit and explicit laws surrounding corporate social responsibility on the international and domestic levels of both countries the paper duly makes mention of the problems hindering the progress of the concept and how they can be tackled.

Keywords: *Corporate Social Responsibility, Sustainable development, Ghana, Nigeria, Law.*

1. Introduction

The practice of Corporate Social Responsibility henceforth referred to as CSR in Ghana and Nigeria has over the years hinged on the spheres of morality, philanthropy and the compliance to implicit legal standards expressed in domestic laws and international conventions. The presence of explicit forms of CSR though present within the two countries is not as prevalent compared to that of the implicit forms. The occurrences of some disasters and mishaps have over the years fuelled the CSR initiatives and actions of firms. Though a few of the companies may not be identified by this pattern, it is worth mentioning that most of the companies present in Ghana and Nigeria are not living up to their full potential with regards to CSR. Companies like Barclays Bank, Ghana Commercial Bank, Multichoice Africa Ghana, Ghana Goldfields Mining Company, MTN Ghana and Unilever have been noted over these past few years for their tremendous engagement in explicit CSR activities in Ghana.¹ In Nigeria, companies who have also built a brand for themselves by way of explicit CSR include Zenith Bank, Diamond Bank Plc, MTN Nigeria, Nigerian Breweries Plc and the United Bank of Africa-Nigeria.² In Nigeria it is very common to find CSR foundations of various companies and firms within the telecommunication and finance sectors tackling issues on education, health, poverty alleviation and the environment but it is still worth noting that CSR has not played a major role in the development of the country (The World Guide to CSR, 2010). In Ghana forums and initiatives like The Ghana Business Code, Business Sense 2011, Ghana Club 100 and the Corporate Social Responsibility Movement have played a key role in the development and promotion of CSR in the country. Ghana and Nigeria have a very wide scope of legal frame work to cover all the sectors. These laws are implemented to cover a wide range of actions within the various sectors and of which some are enshrined in the CSR requirements. The purpose of this academic piece is to highlight the legal perspective of CSR in Ghana and Nigeria.

2. The Law on CSR in Ghana and Nigeria

It is important to note that both Ghana and Nigeria do not have any specific law within their domestic legal frame to directly regulate the activities and initiatives of companies, organizations and firms concerning CSR. In the absence of any sort of pro – CSR laws the promotion and coordination of the concept of CSR can only be enforced by means of other laws, regulations and policies of other sectors, ministries or industries. These set of legislative framework can be directly related to the basic factors of CSR that stress on sustainable development, wellbeing of stakeholders and economic development.

2.1. International legislations on CSR in Ghana and Nigeria

The transnational complement of CSR has made it very crucial for the provision of international laws that can enforce its practice across the globe. The globalization effect of CSR has hence ensured the implementation and the passing of some policies and laws of which Ghana and Nigeria are signed into and have ratified. The ratification

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¹ Renitha Rampersad and Chris Skinner. Examining The Practice Of Corporate Social

Responsibility (Csr) In Sub-Saharan Africa. *Corporate Ownership & Control* / Volume 12, Issue 1, 2014, Continued – 8.

² *Ibid.*

thereby provides obligatory grounds for the compliance of the various conventions that ensure that the stipulated standards of CSR are met. Some of these international legislations in similar context to the domestic frameworks may not directly ascribe to CSR promotion but include certain clauses that indirectly promote CSR within its member states.

UN Global Compact

The UN Global Compact is the world's largest corporate sustainability initiative that 'calls to companies to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption, and take actions that advance societal goals'.³ The initiative was launched in 1999 by the then UN General Secretary to unite the business world in their commitment to the sustained development and shared responsibility for a better world. It seeks to ensure a collective and sustained approach to protect and sustain human rights, Labour, the environment and anti-corruption derived from ten principles. These basic steps that would serve as guiding approach for businesses within ratified nations were derived from the Universal Declaration of Human Rights, International Labour Organization's Declaration on Fundamental Principles and Rights at Work, and the Rio Declaration on Environment and Development. The principles were drawn from very instrumental global legal instruments that in some cases do not require a state to sign or ratify before complying its stipulated standards. A clear example is the UDHR for its principles on human right. The international legal instrument that is regarded as an international customary law begins on the simple premise: 'all human beings are born free and equal in dignity and rights'. Coupled with inferences from the Rio Declaration, Agenda 21 and the 'Brundtland Report', 'Our Common Future' to inform its principles on the environment, the UN Global Compacts' ten principles if implemented curb a chunk of the worlds' current environmental crises. Also on labour the Global Compact makes good use of the ILO Declaration on Fundamental Principles and Rights at Work to present some implementable principles to curb the global problems concerning labour. Finally, included is the 10th principle that particularly tackles corruption. The World Bank has in its report stated that 'bribery has become a \$1 trillion industry' justifying the inclusion of this principle which is hinged on the United Nations Convention against Corruption (UNCAC).⁴ The signing of Ghana and Nigeria to the UN Global Compact makes them obliged to all these principles by means of conforming domestic legal frameworks and ensuring compliance by all registered companies within the two countries.

OECD Guidelines for Multinational Enterprises

This legal instrument is deemed to be the closest legislative framework in regards to a direct international convention on CSR. The policy which came into force on the 30th September 1966 is made up of recommendations by governments to multinational enterprises operating within their countries to ensure responsible business conducts. The countries that are in compliance to these guidelines are required to set up National Contact Points (NCP's) to promote the guidelines and contribute to resolve any issues in relation to the implementation and execution of the guidelines. NCP's in their respective countries are expected to operate in accordance with the core values of visibility, accessibility, transparency and accountability. The OECD guidelines cover areas such as information disclosure, employment and industrial relations, human rights, environmental protection, combating bribery, consumer rights, science and technology, competition and taxation. As it stands now, these guidelines are the only multilaterally accepted principles that governments adhering to are expected to promote and ensure compliance to by all multinational enterprises within their countries.⁵ The OECD guidelines, play a key role in investment development by promoting and ensuring responsible business conduct by investors. Found being consistent with both domestic and international laws the guidelines seek to present the business world with a conducive business atmosphere for sustained development, economic growth and wellbeing of all stakeholders. Structured on voluntary grounds, the non-binding nature of the guidelines does not by any means breed incompetence and poor commitment. The instrument is not supposed to be controlling in nature but promote and encourage. With Ghana and Nigeria being signatories to OECD, they can boast of having an international multilaterally comprehensive code for multinational enterprises within the country. Being consistent with domestic

³ What is UN Global Compact? Retrieved 20-03-2017. <https://www.unglobalcompact.org/what-is-gc>

⁴ See: <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/humanRights.html>.

⁵ Raymond Atuguba & Christine Dowuona-Hammond. CORPORATE SOCIAL RESPONSIBILITY IN GHANA. June, 2006. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.465.5190&rep=rep1&type=pdf>

and international laws, the guidelines also provide some sort of implicit compliance to some globally agreed CSR standards.⁶

ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy

This International Labour Organization set of principles and policy aimed at multinational enterprises is the second most comprehensive international instrument on CSR. The convention which is also voluntary in nature was passed by ILO in Geneva during its 204th session in 1977 was made after a dialogue that sought to improve conditions in the areas of training, employment, working conditions, and industrial relations. The principle and policy which mainly affects, governments, employers, employees and multinational enterprises is evaluated and monitored by a survey which is conducted by ILO in its respective regions which covers Ghana and Nigeria. The policy and principle gives rise for the adoption of new domestic laws, policies and regulations by firms, organizations and governments to ensure the realization of its goals and objectives. The international instrument was amended two times at ILO's 279th session November 2000 and 295th session March 2006 and revised in the 329th session March 2017.⁷ The identified aim of the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy is to create the avenue for the multinational enterprises within its respective signed states to contribute to the social and economic progress. This is achieved by the adherence to the stipulated codes within the principles and policy to ensure the suitable conditions for the expected progress and to aid avoid and curb any mishaps that will serve as hindrances. This instrument which plays a huge role in the promotion of CSR and certain requisites of investments is categorised under various sections.⁸ The various sections are geared at ensuring a complete harmony between the government, employers and employees within the multinational cycle. The principles and policy which is as a result of a tripartite dialogue ensures to its best possibility that all parties to the convention are satisfied and guarantees a collective approach to sustainable development and responsible business conduct.

The New Partnership for African Development (NEPAD)

Every continent strives to ensure progressive development economically and sustainably. This reason inspired the introduction of the New Partnership for African Development (NEPAD) in 2001 by the governments and heads of states of the Organization of African Unity and was ratified by the African Union in 2002 to cater for new concerns that had been identified on the continent. The aim of this Africa related convention is 'to reduce poverty, put Africa on a sustainable development path, halt the marginalization of Africa, and empower women'.⁹ The partnership seeks to unite all African countries in their pursuit for development and provide a stronger network for effective and corporative partnership between the African Union. The global threat of poor practices concerning CSR indeed requires the provision of a global antidote but the idea behind the adoption of NEPAD was to arrive at a 'tailor-made' solution for Africa. The association and the possibility for the introduction of NEPAD to promote CSR in Africa was rightfully captured in a report after the Africa Economic Summit held in Durban in 2002. The report stated that: 'Good corporate citizenship will be absolutely central to the success of [NEPAD] and its goals of encouraging economic growth and reducing poverty. African governments must play the key leadership role in setting the appropriate framework'.¹⁰ Ghana and Nigeria are signatories to a host of other international legislative instruments that have formed a part of the legal framework concerning CSR internationally.

2.2. Domestic laws concerning CSR in Ghana and Nigeria

It is an already established fact that Ghana and Nigeria do not have any form of specified CSR legislation. Nigeria however are in the process of passing a CSR bill but are facing fierce opposition as many believe the mandatory

⁶ For information on OECD see: <https://mneguidelines.oecd.org/global-forum/2015GFRBC-National-Contact-Points-Overview.pdf>

⁷ See http://www.ilo.org/empent/Publications/WCMS_094386/lang--en/index.htm

⁸ See: OECD PDF. http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

⁹ Information New Partnership for Africa's Development. Retrieved 20-03-2017.

<https://www.un.org/development/desa/socialperspectiveondevelopment/issues/new-partnership-for-africas-development-nepad.html>

¹⁰ Information from World Economic Forum (2002). Retrieved 19-02-2017. www.nepad.org.

nature would further complicate the private sector of the country.¹¹ Ghana on the other hand are making some advances in its CSR pursuits by the presence of a strong CSR community which are involved in the promotion and rewarding of practices highlighted under CSR.¹² In the absence of any CSR specific legislation, the domestic legal framework on CSR of Ghana and Nigeria are basically inferred rules and regulations from various ministries, industries and sectors within both countries.

Domestic laws in Ghana

Though the Ghana currently has no legal provision solely for the advancement of CSR, the efforts of the government can be identified in various ways to develop and promote CSR in the country. The government of Ghana aside the introduction of laws in other sectors that indirectly deal with some CSR requirements, has been involved with some partnerships and endorsements with some CSR focus groups. Some domestic laws have been instrumental in the pursuit of CSR standards.

1992 Constitution of Ghana

The domestic legal framework of Ghana is solely established on the premise of the 1992 Constitution of Ghana. The Constitution, which is multifaceted to cover the various sections of development, is important in the establishment of peace and order in the country. In ensuring the stability of order in the country the Constitution of Ghana also mandates and promotes some CSR standards within the country. Article (12) section (2) of chapter 5 of the Constitution under fundamental human rights and freedoms states 'Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest'.¹³ The Constitution by this declaration mandates and calls upon both natural and legal persons to respect the rights of human beings. These rights include the right to life, dignity, liberty and freedom from any sort of slavery or forced labour.

The Constitution also acknowledges registered companies as legal persons according to article (12) section (1) hence qualifying them for some sort of protection as well as making them legally obliged to fulfil their responsibilities enshrined in the law. The companies and firms legally operating within the state will have to comply and desist from any actions that would infringe on the civil, political, economic, cultural and social rights enshrined within the constitution. The firms who are found liable for violation of any of these codes as proven in the high courts by an applicant stand to be punished.¹⁴ The Constitution also provides other CSR supportive legislature in other sectors as well by ensuring that no single entity's actions or practices will be to the detriment of national development and sustainability. In the field of mining, the Article 257 (6) of the constitution emphasises that any mineral in its natural state that is found within the defined territories of Ghana, be it sea or land, is fully owned by the Republic of Ghana irrespective of who owns the land.¹⁵ Concerning communications and the media, Chapter 12 of the 1992 Constitution in article (162) emphasise on the independence of the media.¹⁶ This at the long run of events will ensure that there are no acts of manipulation and influence from even the government to distort their work concern reportage on the state of issues in the country to aid in development.

The Labour Sector

The ability of a government to ensure good labour standards within their country guarantees a steady development rate as the human resource plays a key role in economic growth. The presence of CSR standards cannot be over emphasised with the presence of stipulated minimum standards of working conditions, safety of workers, salary of workers, retirement packages, workers unions and a host of other requirements. CSR within this sector is very important as it involves dealings with gender, the disabled, respect for the rights and privileges of workers, appropriate structuring of working factors like time and the development and training of workers. The CSR standards within this sector ensure both employer and employee satisfaction by instilling a high essence of respect and mutual agreement. There is a very strong presence of international conventions on labour by virtue of the existence of the International Labour Organization since 1919 via the Treaty of Versailles. Ghana however has ratified only seven of the international labour codes postulated by ILO. The seven ratified codes have informed the

¹¹ CSR bill of Nigeria. Retrieved 21-03-2017.

<https://www.businessdayonline.com/the-csr-bill-and-doing-business-in-nigeria/>

¹² Renitha Rampersad and Chris Skinner. Examining The Practice Of Corporate Social Responsibility (Csr) In Sub-Saharan Africa. *Corporate Ownership & Control* / Volume 12, Issue 1, 2014, Continued – 8.

¹³ 1992 Constitution of Ghana, Article 12.

¹⁴ *Ibid*, Article 33.

¹⁵ *Ibid*, Article 257.

¹⁶ *Ibid*, Article 162.

domestic labour codes that are in operation in the country currently.¹⁷ The presence of these acts of parliament do not only present a better legal structure for the development of the country but also provide some legal basis that are consistent with CSR practices. The Labour Act, 2003(Act 651) commemorates the establishment of a National Labour Commission that is to ensure the promotion and sustenance of a peaceful atmosphere within the labour force. The commission is to ensure peace co-existence between employers and employee through practices of mutual respect and fulfilment of responsibilities. The Labour Act in its sections (9) and (10) informs the duties of an employee and the rights of a worker respectively.¹⁸ These requirements ensure that any form inhumane actions are eliminated and the rights of the human being are respected.

The Forestry Sector

Ghana is a land with vast vegetation. The forest areas in Ghana are constantly visited for their timber and for other agricultural purposes. The protection of these areas will not only preserve the supply of resources for Ghana as a country but also help curb the global menace of greenhouse effect and global warming. The forestry sector in Ghana compared to others sectors have more CSR related legislations. Starting from the Constitution, Article 269 legitimises the establishment of a Forestry Commission.¹⁹ The Commission is to oversee all the activities concerning the forestry and wildlife. The duties of the Commission were further reviewed as a specific legislative act was passed in 1991 to govern the affairs of the forestry sector. The Forestry Commission was hence responsible to ensure that the welfare and interest of the country is not by any means jeopardized by activities of any corporate body or agency.²⁰ The forestry sector as earlier stated plays a very key role in the provision of resources for development. The government therefore ensured that all major dealings concerning forestry and wildlife were governed by rules and regulations not only to ensure responsible conducts but to influence the consistency of supply of the resources from the sector. The majority of lands in Ghana are owned by the traditional rulers of those lands under customary legislations provided by the law. The affairs of these lands are monitored and coordinated by the Ministry of Forestry. This Ministry puts into play all the above laws to ensure that all parties to the land are satisfied and the welfare of the land is sustained. One key law that clearly backs CSR standards under this sector is the Timber Resources Management Regulations, 1998 (L.I. 1649). As mentioned above the forestry sector compared to the other sectors in Ghana have more CSR related laws to uphold the domestic and international standards of CSR. This is highlighted under regulation (9) of the Timber Resources Management Regulations. The article under this regulation which informs what qualifies an agency or a company for timber rights includes that, the agency must agree to an undertaking to provide social amenities and any form of developmental initiative to that particular area in which it operates. This same regulation also enforces an agreement to practice afforestation or reforestation within the lands the agencies and organizations are operating in.

Domestic laws in Nigeria

Nigeria, unlike Ghana, have already begun deliberations for a CSR bill to be passed. Though the bill on CSR has not yet been passed due to pending deliberations, similar to Ghana, the government of Nigeria has passed several legislations that indirectly enforce CSR standards within the country. Nigeria has a huge potential of being one of the world's strongest economies due to its vast natural resources and largely available human resource. In the midst of this great potential, more is expected to be done in Nigeria to ensure a sustained development, a progressive economy and advanced wellbeing of its citizens. CSR is hence seen as a critical part in Nigeria's engine for development and demands the full support of the law.

Constitution of the Federal Republic of Nigeria 1999

The Nigerian Constitution, similar to that of Ghana's, plays a key role in the adherence to CSR standards within the country. The Constitution which is the highest domestic legislative instrument within the country provides legal enforcement to compliance of CSR standards by all natural and legal persons. In Chapter 2 on fundamental objectives and directive principles of state policy, article (17) emphasises on the state's core ideas for the Nigerian society: Freedom, Equality and Justice. It further highlights in the same article the constitutional values of human beings. The Constitution makes mention of the respect for every citizens rights and dignity. The responsibility is placed on all entities that deal with humans directly and mandates them not exploit but provide the humans with suitable environments free from danger or abuse.²¹ The Constitution also makes a strong reference to education in the country. Africa has a very high illiteracy rate and the CSR influences directed at education is most needed. The

¹⁷ Raymond Atuguba & Christine Dowuona-Hammond. CORPORATE SOCIAL RESPONSIBILITY IN GHANA. June, 2006. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.465.5190&rep=rep1&type=pdf>

¹⁸ The Labour Act, 2003(Act 651).

¹⁹ 1992 Constitution of Ghana, Article 269.

²⁰ Forestry Commission Act, 1999 (Act 571).

²¹ Constitution of the Federal Republic of Nigeria 1999, Article 17.

presence of a Constitutional law of this nature will not only reduce the rate of illiteracy but also serve as a strong pivot for the CSR standard on good education for all.

The article 18 of the Nigerian Constitution places the responsibility on the government and its agencies to ensure the provision of education at all levels for all Nigerians. This is in respect to the state working to eradicate illiteracy from the country. This stipulation in the Constitution covers the adults and especially the child who stands at a greater disadvantage in the advent of illiteracy.²² Concerning Nigeria's environment and physical surroundings the Constitution clearly states in article (20) that 'The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria'.²³ The environment and its surrounding elements plays a critical role in the sustainable development, economic growth and wellbeing of individuals within the country. With global warming and greenhouse effects taking centre stages in majority of the deliberation concerning CSR, a constitutional requirement of this nature would be more than helpful to the CSR community domestically and internationally. The Constitution also provides the required legal audacity for the formation of laws, acts and regulations concerning other sectors in the development of the nation. These laws, acts and regulations passed by government contain clauses that promote CSR within their jurisdictional areas.

Nigerian Extractive Industry Transparency Initiative (NEITI) Act 2007

Nigeria is known worldwide for its massive oil and gas industry. The industry which is one of the country's high revenue sources is also known for corruption and scandalous activities. In the bid of the government to rid the industry of this canker the Nigerian government in 2004 signed unto the global Extractive Industries Transparency Initiative (EITI). This led to the inception of the Nigerian Extractive Industry Transparency Initiative (NEITI) Act 2007 to enforce the global requirements domestically. The act was passed with the objective of 'following of due process and achievement of transparency in the payments by extractive industries to government and government linked entities; and in the revenue received and reported by those governments and entities'.²⁴ The act was to ensure social development by the introduction of transparency, stakeholder engagement and accountability within the oil and gas sector. This was going to be realized by the introduction of National Stakeholders Working Group (NSWG) according to the section 5, NEITI Act. The purpose of the working group was to monitor the activities within the industry as an effective way to eliminate corruption and enhance transparency among all stakeholders. The NEITI Act to ensure that the group would be free from any influence informed how the constituents of the group should be selected in section 6 of the Act.²⁵ Also included in the NEITI Act in section 16 is the creation of sanctions for organizations or firms that would act contrary to the codes of the act. These sanctions were for the provision of false information, accounts and any other action that was found to cause loss to the state. The sanctions which could be meted out to government officials, officials of companies and firms who were found liable ranged from huge fines, recovery of all lost revenue, two year jail sentences and even the retraction of operating licenses of companies involved. The NEITI Act stands as one of the key CSR instruments in Nigeria to combat corruption and bribery within the oil and gas sector of Nigeria.

Companies and Allied Matters Act 1990

The companies and allied matters act which has a strong constitutional reference in article (251) of the Nigerian Constitution is another key CSR legal instrument within Nigeria to ensure that employers within the labour force of Nigeria treat their employees without disregard. The Act forms a part of Nigeria's labour related laws to ensure that abuse and lack of respect for the rights of workers within Nigeria is curbed. The Act in section 279 article 4 states that 'the director of a company is to have regard in the performance of his functions includes the interests of the company's employees in general as well as the interests of its members'.²⁶ This Act also serve as a pivotal CSR legislative instrument within Nigeria to ensure that the interest of all members of a company are considered in any form of decision making. The principle of according equal value to the stand of an individual within the labour setting goes a long way to preserve the interest of the individual and his or her wellbeing.

National Environmental Standards and Regulations Enforcement Agency Act 2007

The National Environmental Standards and Regulations Enforcement Agency Act along with Harmful Waste (Special Criminal Provisions Act) and other environmentally specific acts are the legal instruments that the government have passed in view of the constitutional requirement of article (20). National Environmental Standards and Regulations Enforcement Agency Act of 2007 provides minimum standards for compliance concerning the environment and also punishments for natural and legal persons who would not adhere to these

²² *Ibid*, Article 18.

²³ *Ibid*, Article 20.

²⁴ NEITI handbook 2005, p.4.

²⁵ NEITI Act 2007.

²⁶ Companies and Allied Matters Act 1990, section 279(4).

standards. The sections 31 and 32 of the Act stipulate the sanctions that should be meted out to companies, firms, organizations or individuals that violate its codes. The earlier chapters however clearly notify the companies on the procedure for disposal of hazardous waste substances and the codes concerning preserving the quality of air. The act which is very detailed outlines the appropriate process to handle waste and the proper manner for its disposal. CSR standards are very strict concerning the environment and its usage by companies.

3. CSR Problems in Ghana and Nigeria

The problems faced by Ghana and Nigeria concerning CSR are very similar. The two countries though advanced in some retrospect share similar challenges in their pursuit of sustainable development and economic growth. Though many problems may be seen in the larger pool of a global perspective, these highlighted below are problems found within Ghana and Nigeria. CSR like any other initiative does not only thrive on a strong legal foundation but also on prolific advocacy and sensitization of its stakeholders. The level of advocacy and sensitization of CSR in Ghana and Nigeria is low and the reasons for this range from poor government funding to insufficient publications and literature on the concept. All the major landmarks within the CSR cycle came about as a result of support by way of advocacy and for Ghana and Nigeria to achieve any major stride in the field of CSR stakeholders must be sensitized via advocacy. Another major issue worth noting in Ghana and Nigeria concerning CSR is the uninterested approach of stakeholders to the promotion and practice of CSR within the two countries. The interest to pursue the concept in these two countries is just not enough to ensure the realization of its practices. Due to reasons that may be identified within personal convictions and even national practices, it seems that the interest of CSR is just not prioritized in Ghana and Nigeria.

A Legal Perspective of CSR Problems in Ghana and Nigeria

Ghana and Nigeria do not have a specific legislation to solely coordinate and govern the affairs within the practice of CSR. In the absence of any CSR specified regulations, laws and regulations from other sectors have been crucial in the advancement of the CSR agenda. The effectiveness of a legal structure in Ghana and Nigeria is important in the promotion and progress of CSR within the two countries. Below are some legal challenges to the development and promotion of CSR. The absence of a specific CSR legislation in Ghana and Nigeria can be pin pointed as the largest dent to the promotion and development of CSR within the both countries. This absence in many ways exposes the level of priority given to the concept within both countries. Nigeria who is a step ahead of Ghana concerning the passing of a bill have faced fierce opposition to the adoption of a national CSR bill for the country. The absence of a mainstream legal frame on CSR will leave the development of the concept to the prospects of laws in other sectors. In the absence of no specific legislation the available indirect legislation is also being poorly enforced. The presence of a law without it being enforced is as good as having no law at all. The legal systems in Ghana and Nigeria have over the years been poorly enforced. These have resulted due to share negligence and the presence of banes like bribery and corruption within the enforcement agencies. Many of the firms and companies violate some of these laws and regulations that indirectly promote the practice of CSR and are not quarried or sanctioned.

Furthermore, in the case where violators of the laws to promote CSR are brought before the courts, an ineffective punishment may not be able to deter the culprits from repeating the acts again. The punishments that are meted out to firms, companies or officials who breach codes directly or indirectly related to CSR must be able to not only prevent the culprits but also prevent others who hear of the punishments from getting involved in the same practice. With the presence of a CSR bill being deliberated on in the Nigerian general assembly, Nigeria stands as at a legally advantageous point compared to Ghana if the bill is passed. Currently the CSR bill of Nigeria faces fierce opposition as it is being taken through various processes before being passed. As much as these processes may ensure the passing of an effective and efficient bill, they have delayed in the passing of the bill. The bureaucratic nature of the processes may have been deemed for the good but are currently doing more harm than good.

4. Solving the Problem

To solve the issue of CSR in Ghana and Nigeria it is expedient to ensure that certain standards are imbibed domestically and international for the adequate and needed development of the concept. The legal arena plays a crucial role in the controlling of the behaviour of both natural and legal person within a country. Below are some solutions to how the problems facing CSR within Ghana and Nigeria can be solved by implementing some key initiatives to the domestic and international legal framework.

Domestic law

The domestic law in Ghana and Nigeria solely accounts for the permissible actions within the two countries. Though not at its best level the legal framework has been able to provide some sort of protection and stability. CSR in Ghana and Nigeria needs a specific legislation to coordinate, facilitate and mandate certain standards within

these two countries. The promotion and development of CSR would be much easier if there was a pro-CSR law in operation within both states. The law must bring into existence a commission and an efficient working group that will be responsible for the improvement and steering of CSR affairs within Ghana and Nigeria. A cue can be taken from India, Mauritius and some European states who have passed specific laws concerning CSR. However, the necessary conditions and characteristics of the Ghanaian and Nigerian business environment must be seriously considered so as to avoid any dire consequence on the growth and operation of businesses within both countries. Going forward, the presence of tribunals for development sectors within countries often speaks volumes as to how serious the government is to ensure development within that sector. With similar understanding the formation of a court by law to oversee specifically issues pertaining CSR would be more than enough to ensure that firms and companies are at their best concerning CSR implementations. In similar terms, cases concerning CSR violations must not be taken lightly. The legislature of Ghana and Nigeria must ensure that CSR violators are duly and heavily sanctioned so as to deter them from repeating it. The scope of punishment itself can serve as a deterring factor to companies and firms who might intend to be unscrupulous in their dealings with their employees. The sanctions must range from heavy fines, suspensions of licenses, jail terms and even complete closure.

International Law

The international scope of laws concerning CSR seems to be in the right direction as they have managed to galvanize some interest and respond from the domestic level. However a stronger representation on the international level will certainly result in the growth and promotion of CSR in the domestic arena. First of all the presence of many direct codes and conventions CSR globally is a major advantage to the global CSR movement. This could be commended with an international court that would solely deal with CSR cases concerning governments and multinational companies situated in those countries. With unique qualities to suit CSR promotion an international CSR court will be a great feat for the global progress of CSR. Another major setback concerning CSR internationally is when these international regulations, principles, conventions and codes are not consistent with domestic laws. The consistency of the international legislation on CSR with domestic laws and values will ease its implementation and promotion. A consistent international and domestic framework will ensure a steady progress of CSR domestically and globally. Finally, the international bodies regulating the various codes on CSR, as part of an effective execution of their duties, should ensure that the countries who have ratified the various postulated codes are obliging to them. The ratification of a code by a country places the international community as a monitoring group to ensure that the country obliges to those standards. With some international organizations being classified as without power to enforce, a strong sense of enforcement on the codes concerning CSR will make a huge difference in the achievements of CSR global goals.

5. Conclusion

In conclusion this piece recommends the following are recommendations to the governments Ghana and Nigeria. The government of Ghana and Nigeria should pass a CSR Bill with heavy sanctions meted out to violators of its codes. Other CSR supportive bills must be passed without delay. Also they must duly ensure consistency of domestic laws and legislations with international standards so as to prevent any disparities. The government officials and representatives of agencies must hold high ethical and moral values in discharging their responsibilities concerning CSR. Furthermore, funds must be allocated by the government for the effective promotion of CSR within both countries. The government should work at providing a secure political and social environment for companies and firms to operate and progress in CSR practices. NGO's and other CSR focused organizations within Ghana and Nigeria must sensitize the public and all stakeholders on the importance of CSR. The beginning of this journey to a CSR conscious state lies within a very sufficient legal framework. The framework must effectively coordinate all the actions of CSR stakeholders and directs them along the path of progress. NGO's, universities, research institutes, the media and other CSR focused agencies have a major role to play in the sensitization of Ghanaians and Nigerians in the realization of the needed CSR consciousness within these two countries. Ghana and Nigeria are regarded worldwide as pace setters in Africa. The achievements of countries that uphold the values of CSR not only in theory but in practice will not only be a massive feat for Ghana and Nigeria but Africa as a whole. Countries like South Africa and Mauritius have taken steps to this achievements and it will add up to the laurels of Africa if Ghana and Nigeria follow suit.