



**SOUTH AFRICAN PERMANENT MISSION TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANISATIONS**

**9TH SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS
PEOPLES**

**INDIGENOUS PEOPLES' HUMAN RIGHTS IN RELATION TO BUSINESS
ENTERPRISES**

13 JULY 2016

PALAIS DES NATIONS

Check against delivery

Mr Chairperson,

The discussions today is significant in bringing to the fore the issue of the rights of Indigenous Peoples in relation to the activities of TNCs and Other Business Enterprises. This is as an issue that needs more attention in the discourse on establishing corporate human rights liability which has regrettably been minimized to voluntarism and lacking the requisite enforcement mechanisms.

Indigenous Peoples face multiple forms of discrimination as affirmed in the Durban Declaration and Programme of Action. In this context Indigenous Peoples as affected communities have also not been immune to human rights violations committed by TNCs and Other Business Enterprises. This is as a result of increased concerns on the impacts of globalization, as witnessed by the record of high profile cases. In the same vein, we have seen the different human rights standards applied by TNCs with countries in their global operations, particularly in relation to developing countries.

My government holds a very strong view that these entities, which are effectively the primary drivers of the phenomenon of globalization and the owners of global wealth cannot operate in a void. This is particularly so, in view of their operational activities which are invariably transnational in character and who currently benefit from the protection gap in international human rights and humanitarian law.

Chairperson,

It is for these reasons and through the OEIGWG created through Resolution 26/9, that the UNHRC is undertaking to regulate in a uniform manner the operational activities of TNCs and Other Business Enterprises with respect to human rights. The envisaged legally binding instrument would thus provide legal protection, effective remedies and a range of other measures in the quest for maximum protection of victims. Furthermore, through the treaty, mechanisms for appropriate litigation and remedial measures for human rights violations by the TNCs and Other Business Enterprises will be created.

Finally, Mr Chairperson, we reiterate that any development plans and policies affecting the ancestral lands of indigenous peoples should be taken in strict compliance with the principle of free, prior and informed consent.

I thank you