



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

**8TH SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS
PEOPLES**

**PANEL DISCUSSION ON INDIGENOUS PEOPLES' HUMAN RIGHTS IN RELATION
TO BUSINESS ENTERPRISES**

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PALAIS DES NATIONS**

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Mr Chairperson,

At the core of International Human Rights Law are the core principles of non-discrimination and equality, which applies to all, including Indigenous Peoples. The South African Constitution recognizes the rights of all South Africans and the enjoyment of these on a non-discriminatory basis. Much progress has been made in the promotion, protection and fulfillment of human rights of Khoi, San, Nama, Korana and Griqua communities, including current processing of new Traditional/Indigenous Affairs legislation.

Our progressive approach to enhance socio-economic rights is reflected in our Constitutional framework in the Bill of Rights. In this respect, South Africa has adopted the National Development Plan, which provides the country's vision for its overall economic and social development, integrated policies, demographic shifts and governance and state-capacity issues into a coherent framework.

Chairperson,

The panel discussion this morning highlighted that indigenous peoples face multiple forms of discrimination as indicated in the Durban Declaration and Programme of Action. In this context, Indigenous Peoples have also not been immune to human rights violations committed by TNCs and Other Business Enterprises. We see the discussion here today relevant in that it provides clear evidence why there is a need for a legally binding treaty on TNCs and Other Business Enterprises.

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.

It is therefore imperative that the universal regulatory framework in the form of a legally binding instrument to provide legal protection, effective remedies and a range of other measure in the quest for maximum protection of victims, including indigenous peoples, is desirable.

The basic principles of human rights law should equally apply to TNCs and Other Business Enterprises. These include principles of *universality; indivisibility; participation; accountability; transparency; equality, equity, non-discrimination and international co-operation*. Great strides have been made in the adoption of the Guiding Principles on Business and Human Rights and elaboration of an international Convention would thus be a logical extension and advancement of this process. In this context, we firmly believe, that a shift of understanding is needed for corporate responsibility to be human rights law rather than merely a societal expectation.

Finally Mr Chairperson, the inclusion of this issue in the Outcome Document of the World Conference on Indigenous Peoples is thus welcomed, in light of the future work to be done by the Inter-Governmental Working Group.

I thank you.