**STATEMENT BY NGO WITH OBSERVER STATUS: CENTRE FOR APPLIED LEGAL STUDIES, SCHOOL OF LAW, UNIVERSITY OF THE WITWATERSRAND**

*64th session of the African Commission on Human and Peoples’ Rights*

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In June 2014, a resolution was adopted by the Human Rights Council (HRC) pursuant to an initiative by Ecuador and South Africa to advocate for a binding instrument relating to transnational corporations (TNCs) and human rights. This was in response to gaps and imbalances in the international legal order that undermine human rights, and perpetuate abuses such as child labour, discrimination, unsafe working conditions, repression of trade unions and collective bargaining, limiting technology transfer, low wages and environmental destruction.

A huge concern for some African states is the effects of globalisation on the continent as well as the fact that many developing countries do not have legislative frameworks or that, where they exist, they are relatively very weak, presenting an avenue that is exploited by TNCs. Africa continues to lose billions of revenue through illicit flows, money that could be used to address the abject poverty in which Africans live.

The Centre for Applied Legal studies in collaboration with other NGO partners calls upon African states to amplify their commitment to dismantle corporate power and end impunity

We urge State Parties to the African Charter to pursue legislative and other reforms in accordance with Articles 20, 21, 22 and 24 of the Charter which would enable them to hold companies to the standards of the African Charter; through binding and effective regulatory frameworks at national, regional and international levels to address the human and peoples’ rights issues arising from the operations of multinational companies;

On the international level in light of the current draft treaty currently being negotiated at the UN steered by the inter-governmental working group, we urge all African States and organs along with various regional and sub-regional bodies to take cognisance of the importance of the UN treaty process in strengthening access to remedy measures for corporate abuses committed by transnational corporations.

A binding Treaty responsive to the impact of transnational corporations on affected communities will play a crucial role in addressing issues around corporate accountability to respect human rights in all their operations. This is vital especially with transnational companies whose power and impact is beyond the capacity of individual states, particularly in the context of weak states with limited resources and capacity; and weak regulatory regimes.

We commend Civil Society Organisations and human rights defenders representing adversely affected communities across the African continent and strongly encourage them to continue to engage their governments on the need for a binding Treaty as well as ensure the explicit inclusion of rights for human rights defenders, protection for the rights of indigenous peoples including the right to free, prior and informed consent, and a strong feminist lens and gender justice approach to be incorporated in the text, due to the particularly profound impact that corporate abuses have on women.

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