



Attention: Minister M. E. Nkoana-Mashabane

Department of International Relations and Cooperation

Private Bag X152

Pretoria

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Republic of South Africa

10 June 2014

Dear Excellency,

RE: Support at the U.N. Human Rights Council for a resolution to begin a process for establishing a treaty on the issue of business and human rights.

As you know, following the submission by the Ecuadorian government of a proposed Treaty on Binding Obligations for Transnational Corporations (TNCs), our government, represented by Ambassador Abdul Minty, held a meeting with the Ecuadorian government on the 11th and 12th March, in Geneva

We, the undersigned organisations, are now calling for your support for a resolution that seeks to begin a process of developing an international treaty on business and human rights – the first binding international legal instrument to hold corporations accountable for their human rights violations.

Our various organisations and movements feel that the impunity of Transnational Corporations (TNCs) should be stopped by introducing a legal binding framework to ensure that: human rights, the environment, transparency, employment, industrial relations and anti-corruption prevails.

The Ruggie Guiding Principles, as is now widely acknowledged, are flawed in that they still leave a great degree of leeway for TNCs to abuse human rights. They lack accountability effective enforcement mechanisms relying instead on the goodwill or voluntary nature of TNCs to do the right thing.

By supporting this resolution, you will send an important signal to all other States that it is time to ensure that everybody, including powerful corporations, must respect human rights and be held legally accountable when they do not. The UN Guiding Principles of Business and Human Rights began the process of making it clear that corporations have responsibilities to respect human rights. However, the Guiding Principles urgently need strengthening, for, when constitutions violate human rights, they do not provide any means of holding these corporations accountable; nor do they provide access to justice for affected communities,

Corporations should be held accountable not only in the countries where they cause or contribute to violations, but also in other countries and internationally if required. More protection for States and their people against corporate human rights abuses also provides more chances for development to be sustainable and respectful of the rights of people in this country. Binding international human rights standards for corporate activity also create a level playing field for countries, helping states avoid a regulatory ‘race to the bottom’ through perverse incentives in investment agreements. These investments agreements provide a legal framework, which severely impacts the sovereignty of the people and the state, often resulting in severe human rights violations.

We therefore urge our government to join the broad range of States who have already shown their support for progressing international law to address corporate human rights abuses, as shown during the September 2013 session of the Human Rights Council. We ask that you stand on the side of human rights against corporate human rights violations, and the associated impunity that is all too often the case with these abuses.

We hope to have the opportunity to continue working with our government in support of this initiative. We would be pleased to provide further information and to meet to discuss this issue.

We thank you for your attention on this important matter and look forward to hearing from you.

For more information please contact Michelle Pressend, Southern Africa Corporate Power Campaign Coordinator at the Alternative Development Centre (AIDC) on 021 4475770 or 0825641581 or mpressend@gmail.com

Sincerely,

Signatories:

- African Centre for Biosafety South Africa
- Alternative Information and Development Centre (AIDC)
- Benchmarks
- Biowatch SA
- Budget Expenditure Monitoring Forum (BEMF)
- Centre for Civil Society (CCS)
- Cooperative and Policy Alternative Center (COPAC)
- Earthlife Africa, Cape Town
- Environmental Monitoring Group
- Groundwork (Friends of The Earth, South Africa)
- International Alliance on Natural Resources in Africa (IANRA)
- Institute for Zero Waste in Africa
- Mining Affected Communities in Action (MACUA)
- National Consumer Forum
- National Consumer Forum, Western Cape
- National Union of Metalworkers of South Africa (NUMSA)
- South African Faith Communities' Environment Institute (SAFCEI)
- South African Forum for International Solidarity (SAFIS)
- South African Green Revolutionary Council (SAGRC)
- South Durban Community Environmental Alliance (SDCEA)
- The Tree Doctor
- Trust for Community Outreach and Education (TCOE)