

**Statement delivered by South Africa**

**Open-ended intergovernmental working group on THE ELABORATION of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights**

**Panel III: obligations AND RESPONSIBILITIES OF TNCS AND OTHER BUSINESS ENTERPRISES WITH RESPECT TO HUMAN RIGHTS**

**JURISPRUDENTIAL AND OTHER APPROACHES TO CLARIFY STANDARDS OF CIVIL, ADMINISTRATIVE AND CRIMINAL LIABILITY OF TNCS AND OTHER BUSINESS ENTERPRISES**

***Check against delivery***

**26 OCTOBER 2016**

Madame Moderator,

Thank you to the distinguished panelists for their quality and enriching presentations who have shared with us so deeply on conduct which is extremely worrisome.

Our question is directed to Mr Bilchitz who mentioned that TNCs and Other Business Enterprises should not only have negative obligations to avoid harm in fundamental rights but they should also have positive obligations to take active steps to realize rights for all. In this regard we fully agree that TNCs and Other Business Enterprises for example, must contribute to the requisite means of implementation for the realization of the Right to Development the economic, social and cultural rights globally with a view to ending global poverty. Could you please elaborate on how you conceive of such positive obligations?

Madame Hassan, thank you for sharing your view on the destructive forces of TNCs who operate with impunity in your region. How can we end this with impunity and grave breaches of human rights law by the shipping companies in South East Asia?

I thank you.