**Statement on Article 6: Prevention**

This is intervention is made on behalf of the Centre for Human Rights, University of Pretoria and the African Coalition for Corporate Accountability and their partners.

With regards to Article 6, and any interventions going forward, we align ourselves with interventions made by the State representatives of South Africa and Palestine and others insisting on working with the text of the 3rd draft and comments made at the 7th session.

We reiterate the view as in our intervention during the 7th session that Articles 6.1 and 6.2 have gaps in that they fail to categorically require States to make changes in corporate laws that are necessary to render businesses accountable and liable for fundamental rights violations, as well as to create direct human rights violations. As such we support the suggestions and textual changes made by South Africa, Mexico, Brazil and Panama on Article 6.2 and support Cameroon’s input of Addition of Article 6.2 ibis which requires TNCs to NOTtake any measures that present a real risk of undermining and violating human rights and to identify and prevent human rights violations and risks of violations throughout their business operations.

We insist that there exists a gap between assessing the potential abuses arising from business activities and taking appropriate measures to enforce compliance. In saying this we align ourselves with South Africa and Palestine proposal to require State Parties to require business enterprises and all actors **across the value chain** to undertake **ONGOING/CONTINUOUS** and **FREQUENTLY UPDATED** human rights due diligence.

We endorse Palestine’s suggestion of the inclusion of environmental and workers’ rights in the text of Article 6.3 (a).

We reiterate the importance of recognizing indigenous peoples’ rights and are in full support of all States who suggested the inclusion of the meaningful consultation of indigenous peoples and local communities.

On par 6.4 d. we would like to emphasise that the consultations with indigenous peoples in accordance with the internationally agreed standards of free, prior and informed consent; are conducted in a transparent manner ensuring that communities have the right to say no to development projects that will negatively affect them in accordance with the principle of FPIC. We feel strongly that the only way to have effective prevention mechanism is to have effective FPIC measures that put communities at the centre of decisions regarding development projects in their communities.