

## Summary

This thesis aims to analyse various instruments on the protection of the rights of Indigenous Peoples in Africa in relation to transnational corporations (TNCs) activities. The idea is to point to the human rights system in Africa as having the potential to effectively protect the rights of Indigenous Peoples in Africa if properly strengthened using the African Approaches to International Law (AAIL) as an interpretative tool. The central hypothesis, therefore, is that universal international law has not been effective in protecting the rights of Indigenous Peoples in Africa from the activities of TNCs, thereby creating a need to complement it with the innovative legal norms and developments under the African human rights, environmental, and investment law regimes for more effective protection of Africa's Indigenous Peoples. One of the reasons for the ineffectiveness of international law in protecting the rights of Indigenous Peoples in Africa is the deliberate exclusion of the peculiarities of Africa and some norms emanating from Africa from forming part of the general international law discourse. Based on an extensive analysis of Africa's human rights, environmental, and investment law regimes, this thesis appreciates those norms capable of effectively protecting Indigenous Peoples in Africa from violations committed by TNCs. To achieve this, seven principal lines of inquiry are pursued in this thesis: (1) are there Indigenous Peoples in Africa, and how should they be identified (2) what is the nature and underlying principles that underpin the operation of TNCs operating in Africa (3) do Indigenous Peoples have rights under international law (4) what are the sources of State obligations towards African Indigenous Peoples and are those obligations effective in the protection of the rights of Indigenous Peoples in Africa (5) what are the responsibilities of TNCs and is the universal human rights system capable of forcing TNCs to meet the need to protect Indigenous Peoples in Africa (6) what are Africa's developments in the protection of the rights of Indigenous Peoples in Africa are they able to protect Indigenous Peoples in the continent effectively (7) what interpretative role can AAIL play in the interpretation of the rights of Indigenous Peoples, and how can it be improved as an effective tool for protecting Indigenous Peoples' rights.

Furthermore, this thesis utilises AAIL as a theoretical framework and primarily library-based research to arrive at its conclusion, which serves as its contribution. The various methods employed in this thesis reveal the different areas of public international law that cut across the thesis – international human rights, international investment law, and international environmental law with references to climate change law. Comparatively, the same areas of public international law are examined in the context of the African Union (AU) legal framework

with the aim of finding out how the various regimes in Africa could complement the existing universal international law in the protection of the rights of Indigenous Peoples in Africa. References are equally made to the human rights system, including the jurisprudence of the European Court of Human Rights and the Inter-American Court of Human Rights, especially regarding those rights Indigenous Peoples are entitled to. Each part addresses the different lines of inquiry of the thesis. Part One is dedicated to conceptualising Indigenous Peoples and TNCs. Part Two examines some Indigenous Peoples' rights together with the obligation of States to protect these rights and corporate responsibilities in business and human rights. Finally, Part Three analyses the various human rights, environmental, and investment law regimes. The thesis is concluded with final remarks and recommendations.