



## Contribution to the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights - 11th Session, October 2025

### 1. CIDSE and its member organisations' views on the Chair's methodology and programme of work

CIDSE and its members welcome the Chair-Rapporteur's continued efforts to provide a clear methodology and roadmap for both the session and the intersessional period. The structured approach—combining state-led negotiations during the week with focused intersessional thematic consultations—supports gradual convergence on outstanding issues.

We particularly value the Chair's practice of preparing non-papers for intersessional consultations ([Articles 4, 5 and 7](#); [Articles 6 and 8](#); [Articles 9, 10 and 11](#)), which, though not legally binding, have proven useful in clarifying areas of divergence and offering potential solutions. We particularly welcome the use of non-papers to support convergence on complex issues. However, we regret that the [summary report of the intersessional thematic consultations](#), containing wording proposals, was issued only a few days prior to the negotiation week, providing limited opportunity for a thorough analysis to inform the negotiations. We respectfully request that the Chair release the summary with additional time. CIDSE and its members consider this a crucial step to advance in the negotiations.

Regarding the [programme of work for the 11<sup>th</sup> session](#), we regret that the discussion of the outcomes of the 2024 and 2025 intersessional consultations is scheduled only on Thursday (23 October), rather than earlier in the week. This sequencing risks marginalising the contributions of civil society and States that have invested heavily in intersessional dialogue, and it may reduce the political visibility of those outcomes. CIDSE urges that in future sessions, such outcomes should be discussed at the outset of the week to better inform negotiations.

### 2. Political context: threats from the EU Omnibus simplification package and implications for the Legally Binding Instrument (LBI) process

CIDSE and its members are watching with deep alarm the ongoing trajectory of the [Omnibus Simplification Package](#) proposed by the European Commission, which appears less an exercise in administrative streamlining and more a full-scale rollback of corporate accountability frameworks. As pointed out by civil society coalitions and legal experts, the Commission's proposal, the General Approach by the Council and the European Parliament JURI Committee report signal an intention to dismantle key protections within the Corporate Sustainability Due Diligence Directive (CSDDD),

undermining what was meant to be one of the EU's flagship instruments for business and human rights.

## 2.1 What the Omnibus I proposes — and why it matters

Among the most concerning changes in the [Council of the European Union agreed position](#):

- Narrowing the scope of due diligence obligations to only first-tier business partners, excluding much of the global value chain (especially those areas where risks are most likely to be severe). This goes against internationally accepted standards and existing practices for risk-based due diligence.
- Increasing the thresholds to 5 000 employees and €1.5 billion net turnover.
- Removing the EU harmonised liability regime.
- Limiting the obligation for companies to the adoption of a transition plan for climate change mitigation instead of enforcing implementation.

These changes would transform the CSDDD from a substantive regulatory tool into a paperwork-oriented “tick-box” exercise. Civil society organisations have characterised the Omnibus proposal as “deregulation, not simplification.”

## 2.2 Implications for the LBI negotiations

These EU developments have serious ramifications for the LBI process:

- a. Weakening EU credibility: If the EU backtracks on due diligence and liability, its reputation as a champion of global efforts to promote human rights, sustainability and responsible business conduct will be severely damaged.
- b. Encouraging a “race to the bottom”: Other States may follow the EU's lead in diluting corporate accountability rules.
- c. Undermining synergy between regimes: The LBI risks being forced to compensate for EU gaps instead of building on strong regional standards.

Given these risks, CIDSE urges the EU delegation in Geneva to oppose the rollback agenda and ensure that any Omnibus amendments do not reduce corporate accountability obligations. Instead, the EU must defend and strengthen due diligence, liability, access to justice and remedy, and coverage of the entire value chain, maintaining a risk-based approach.

## 3. Wording recommendations on key provisions of the updated draft

Drawing from [CIDSE's commissioned legal analysis of the Updated Draft](#), we recommend the following textual refinements for the provisions that will be discussed during the 11<sup>th</sup> session:

### Article 14 – Consistency with International Law

- The Updated Draft risks creating loopholes by overemphasising consistency with domestic legal systems. CIDSE urges rewording to prioritise international human rights law obligations over trade and investment treaties.

- Suggested language: *"States Parties shall ensure that obligations under trade and investment agreements are interpreted and implemented consistently with their human rights obligations under this Instrument."*

## Article 15 – Institutional Arrangements

- The current text is too vague on the role and powers of the Committee. CIDSE supports specifying strong monitoring and reporting mechanisms, including periodic reviews and the capacity to receive communications from affected communities.
- Suggested addition: *"The Committee shall be empowered to consider communications from individuals and groups alleging violations of this Instrument, subject to admissibility criteria."*

In addition, CIDSE and its members urge States to preserve and protect the content in Article 12, "Mutual Legal Assistance," and Article 13 "International Cooperation" to ensure the enforceability of other provisions, such as those in Article 9 "Jurisdiction", and Article 8 "Legal Liability".

## 4. Conclusions and questions

### 4.1 On the role of the "Friends of the Chair"

In the Report adopted at the close of the 7th session, the former Chair pledged to advance the process with the support of a group of "Friends of the Chair," composed of Azerbaijan (Eastern Europe), France and Portugal (Western Europe and others), Indonesia (Asia-Pacific), Cameroon (Africa), and Uruguay (Latin America and the Caribbean). This group, particularly Portugal and France played a central role in facilitating dialogue between sessions. While their efforts have helped move discussions forward, questions remain regarding their role in light of the change of Chair in 2024, as well as concerns about transparency and balance:

- How will the Friends of the Chair ensure the inclusive participation of Global South voices, especially those from communities most affected by corporate abuses?
- Can their role evolve into bridging intersessional outcomes with formal negotiations, so that substantive proposals are not sidelined until the final days?
- What safeguards will ensure that their facilitation does not reduce ambition to lowest-common-denominator compromises?

CIDSE urges that the Friends of the Chair adopt a more explicit mandate of championing victims' rights and civil society proposals, rather than focusing only on consensus-building among States.

### 4.2 On the process

Finally, at the end of the reading of the Updated Draft, how does the Chair envisage concluding the process to avoid a never-ending cycle of article-by-article discussions without tangible outcomes?

After more than a decade of negotiations, States and civil society alike are increasingly concerned that the OEIGWG risks being locked into a procedural loop—reading the text article by article, year after year, without moving towards consolidation or agreement. CIDSE and its members therefore

seek clarity on what concrete endpoint or roadmap the Chair is preparing once the full reading of the Updated Draft has been completed. Will the process transition to text-based negotiations on a consolidated version, with mechanisms for capturing areas of convergence and compromise? Will there be a drafting committee or smaller working group mandated to produce a finalised text for consideration by the Human Rights Council? Or will the cycle of readings simply continue indefinitely, thereby undermining the legitimacy and political relevance of the process?

CIDSE insists that without a clear exit strategy from article-by-article readings, the process risks losing momentum, credibility, and support among the very communities and victims it is meant to serve. A structured plan towards conclusion—setting out milestones, consolidation phases, and decision-making steps—must be shared transparently to demonstrate that the OEIGWG is not only about dialogue but also about delivering a binding and enforceable international instrument within a realistic timeframe.

### **Final note**

The 11th session represents a critical moment. CIDSE and its members call for a process that strengthens the victim-centered approach of the LBI, prevents dilution of hard-fought provisions, and maintains momentum towards the adoption of a robust instrument that complements—rather than competes with—regional initiatives such as the EU CSDDD.