

**FIRST INTERSESSIONAL THEMATIC CONSULTATION OF THE OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP ON TRANSNATIONAL
CORPORATIONS AND OTHER BUSINESS ENTERPRISES
WITH RESPECT TO HUMAN RIGHTS**

Oral statement of CIDSE et al focused on Article 14 (Consistency with international law)

April 7, 2026

I am speaking on behalf of CIDSE and its member organisations: Trócaire, Fastenaktion and Broederlijk Delen.

On **Article 14**, we wish to underline the importance of ensuring coherence between this instrument and other international agreements, in particular trade and investment frameworks. In the current political context, where concerns around regulatory space and economic policy remain prominent, it is essential to advance language that is robust and protective of human rights. We therefore recommend a focused approach specifically on trade and investments agreements to **Article 14.5** as highlighted by the legal experts. We propose a wording that includes:

States Parties shall ensure that trade and investment agreements are interpreted, implemented, and reviewed and adapted in a manner consistent with all internationally recognized human rights and fundamental freedoms binding on the State Parties.

This should clearly apply to both existing and future agreements, including at the stage of negotiation and revision. Furthermore, we kindly request to reintroduce a clause that ensures that States also have obligations when drafting new trade and investment agreements and include an obligation of States to revise and, if necessary, to redraft any existing trade and investment agreements which could potentially limit the ability of States to fulfil their human rights obligations.

Such an approach safeguards human rights while responding to States' concerns about legal certainty and policy coherence and can help build wider consensus around this provision.

Thank you, Mr. Chair.

Delivered by Susana Hernández

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Oral statement of CIDSE et al focused on Article 15 (Institutional arrangements)

April 7, 2026

I am speaking on behalf of CIDSE and its member organisations: Trócaire, Fastenaktion and Broederlijk Delen.

Regarding **Article 15**, we wish to emphasise that a robust institutional framework is crucial to ensure the effective implementation of this instrument in practice.

In an era when trust in international processes hinges on their capacity to respond to tangible, real-world impacts, it is imperative that affected individuals and communities be afforded meaningful opportunities to engage with the mechanisms established by this Legally Binding Instrument.

Consequently, we recommend enhancing the Committee's mandate by authorising it to receive and consider communications from individuals, communities, and their representatives, subject to appropriate admissibility criteria, as suggested by Uruguay at the 11th session. Such a mechanism would bolster accountability, guarantee that the voices of those most impacted are heard and foster consistent enforcement across jurisdictions. Additionally, we advocate for the inclusion of comprehensive monitoring and reporting mechanisms, including periodic reviews and the capacity to receive communications from affected communities, explicitly recognising these groups as beneficiaries of the provisions outlined in this article.

We also encourage States to ensure that these mechanisms are accessible and adequately resourced.

Thank you, Mr. Chair.

Delivered by Chris O'Connell

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Oral statement of CIDSE et al focused on Article 16 (Implementation)

April 8, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE and its member organisations: Trócaire, Fastenaktion and Broederlijk Delen.

On **Article 16**, we recognise its central role in ensuring effective implementation of the instrument.

In the current stage of negotiations, we see an opportunity to strengthen coherence and clarity across the text, particularly regarding the treatment of individuals and communities in situations of vulnerability.

At present, references to specific groups and approaches—such as gender, age, or child-sensitive perspectives—are unevenly reflected across different provisions, which risks creating gaps or inconsistencies in protection.

We therefore recommend a more systematic and effective approach, as follows:

- Article 16 should articulate a clear, cross-cutting implementation principle requiring States to address heightened and differentiated risks faced by all individuals and communities in vulnerable or high-risk situations;
- This principle should apply across all measures adopted under the instrument, ensuring consistency without the need for repeated or selective references throughout the text;
- Articles 16.3 and 16.4 could be strengthened to serve as the operational anchor for this approach.

This would enhance both the coherence and practical implementation of the instrument, while avoiding fragmented or “pick-and-choose” protections.

Thank you, Mr. Chair.

Delivered by Chris O’Connell

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I am speaking on behalf of CIDSE and its member organisations: Trócaire, Fastenaktion and Broederlijk Delen.

Article 16.6 addresses the issue of corporate capture. In light of the recent undermining of the EU's Corporate Sustainability Due Diligence Directive on foot of intensive corporate lobbying, it is clear that corporate capture poses a very real threat to the protection of human rights in the context of business activities.

Therefore, we support preserving and strengthening Article 16.6 as requested by various State delegations and adding a reference to “interference and influence of commercial and other vested interests,” as proposed by Palestine, also endorsed by the Feminists for a Binding Treaty coalition during the 11th session. As Palestine has just highlighted, this aims to protect public decision-making from inappropriate corporate influence. Additionally, we agree with Colombia's suggestion to include “conflict of interests” in this subparagraph.

Overall, Article 16 provides a key opportunity to ensure that implementation is consistent, inclusive, and firmly grounded in the realities faced by those most at risk.

Thank you, Mr. Chair.

Delivered by Susana Hernandez