

**SECOND 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 1 (Definitions)

April 9, 2026

Thank you, Mr. Chair-Rapporteur,

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

On **Article 1**, we welcome the additional definitions introduced in the updated draft, which improve clarity and alignment with existing international frameworks. At the same time, it is important that these definitions remain operational and workable across different legal systems, in order to facilitate broader acceptance and implementation.

In this regard, we highlight four key elements:

- First, the updated draft should reinstate the previous recognition of the right to a safe, clean, healthy and sustainable environment within the definition of human rights abuse in Article 1.3.
- Second, it is suggested that Article 1.8, which defines human rights due diligence (HRDD), be reworded as human rights and environmental due diligence (HREDD).
- Third, the definition related to business relationships in Article 1.6 should be sufficiently clear to reflect the reality of complex corporate structures, while avoiding formulations that may create unnecessary legal uncertainty. Moreover, it should include the entire value chain, in accordance with international standards. We further support the inclusion of a specific reference to financial institutions, as proposed by Brazil.
- Finally, definitions such as human rights due diligence and adverse human rights impact should support a coherent interpretation across the instrument, particularly in relation to prevention, liability, and remedy.

We therefore encourage a careful balance between precision and flexibility, ensuring that definitions are both effective in practice and capable of attracting broad support from States.

Thank you, Mr. Chair.

Delivered by Susana Hernández

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Oral statement of CIDSE et al focused on Article 2 (Statement of purpose)

April 9, 2026

Thank you, Mr. Chair-Rapporteur,

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

On **Article 2**, we welcome the continued emphasis on a victim-centred, gender-responsive, and child-sensitive approach. This reflects important progress and responds to long-standing calls from civil society.

At the same time, we note that the overall approach of the instrument continues to place binding obligations on States, while referring to corporate responsibilities rather than obligations. While this reflects current international legal realities, we echo the concerns raised by the State of Palestine that this could lead to a softer approach inconsistent with purpose of this instrument. It is therefore essential that the purpose of the instrument remains sufficiently strong to ensure effective regulation of business activities and accountability for harm.

We therefore recommend:

- Reinforcing the objective of preventing human rights abuses and ensuring access to remedy, as core pillars of the instrument;
- Ensuring that the purpose clearly supports robust State action to regulate business enterprises across global value chains
- Removing the reference to ‘mitigation’ of human rights abuses.

This will help ensure that the Legally Binding Instrument delivers meaningful protection for affected individuals and communities.

Thank you, Mr. Chair.

Delivered by Chris O’Connell

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Oral statement of CIDSE et al focused on Article 3 (Scope)

April 9, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE and its member organisation Trócaire.

On **Article 3**, we greatly welcome the legal experts' explanation on the differences in the LBI's scope and the cases that illustrate how businesses operate. Mexico's proposal, also referenced by the legal experts, to focus on the nature of the business activities rather than the form could cover different forms of transnational business activities and we recommend this approach. As highlighted by the legal experts, such formulation will rely on the definitions stipulated in Articles 1.4, 1.5 and, we should add, Article 1.6 to ensure that business relationships are sufficiently clear, reflect the reality of complex corporate structures and include the entire value chain.

We also encourage States to:

- Prioritize transnational business activities and relationships, as suggested by Colombia, to close regulatory gaps;
- Include the right to a clean, healthy, and sustainable environment by explicitly mention it in Art 3.3, as also requested by other CSO allies.

Maintaining a balanced and workable scope will be key to ensuring that the instrument is both effective in practice and capable of securing broad support.

Thank you, Mr. Chair.

Delivered by Susana Hernández