

Third 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 1.1 (DEFINITIONS)**

May 29, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE, Franciscans International, Trócaire, and Fastenaktion

As a general remark 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 sense, on **Article 1.1**, we welcome the advice by the legal experts in the non-papers, regarding the references to the Basic Principles and Guidelines on the Right to a Remedy and Reparation. In this line, we also support Mexico, Panama, Chile, Ecuador, and Malawi's proposal to add a reference for persons who have suffered harm while intervening to assist victims. Likewise, we support Brazil's proposal to add a reference to harm "as a result of acts or omissions".

Thank you,

Delivered by Susana Hernández

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**ORAL STATEMENT OF CIDSE ET AL
FOCUSED ON ARTICLES 1.2 AND 1.3 (DEFINITIONS)**

May 29, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE, Franciscans International, Trócaire, and Fastenaktion.

I will present together our suggestions for **Articles 1.2 and 1.3**.

The Updated Draft should reinstate the previous recognition of the right to a safe, clean, healthy and sustainable environment within the definition of “adverse human rights impact” in **Article 1.2**, and within definition of “human rights abuse” in **Article 1.3**. This would help ensure that the instrument remains aligned with recent developments in international human rights and environmental standards, such as the landmark resolution adopted by the General Assembly last week, which reaffirmed the ICJ Advisory Opinion on climate change.

Thank you,

Delivered by Susana Hernandez

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**ORAL STATEMENT OF CIDSE ET AL
FOCUSED ON ARTICLES 1.4 AND 1.6 (DEFINITIONS)**

May 29, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE, Franciscans International, Trócaire, and Fastenaktion.

I will present together our suggestions for **Articles 1.4 and 1.6**.

Regarding **Article 1.4**, we endorse the inclusion of a reference to “extraction” within the non-exhaustive list of business activities proposed by Egypt, Mexico, Chile, Ecuador, Colombia and Honduras. While we concur with the legal experts' advice on the dynamic nature of business activities and the risks of listing only some of them, we believe extraction remains a pivotal activity in the race for critical minerals especially considering technological advancements. Therefore, a specific mention of it will be highly beneficial.

On **Article 1.6**, the definition related to business relationships should be sufficiently clear to reflect the reality of complex corporate structures and value chains, while avoiding formulations that may create unnecessary legal uncertainty. We further support the inclusion of a specific reference to financial institutions, as proposed by Brazil.

Thank you, Mr. Chair.

Delivered by Susana Hernandez

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**ORAL STATEMENT OF CIDSE ET AL
FOCUSED ON ARTICLE 1.8 (DEFINITIONS)**

May 29, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE, Franciscans International, Trócaire, and Fastenaktion.

Regarding **Article 1.8**, we endorse maintaining this article as articulated by Colombia and Brazil and propose that it be rephrased as “human rights and environmental due diligence”. This modification would promote a more coherent and comprehensive approach to prevention and risk assessment, aligning with the Chair's proposal for Article 6.2, which encompasses the consideration of “the protection of the environment.”

Thank you, Mr. Chair.

Delivered by Susana Hernandez

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**ORAL STATEMENT OF CIDSE ET AL
FOCUSED ON PREAMBLE**

May 30, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE, Franciscans International, Trócaire, and Fastenaktion.

We prepare a general contribution on the **Preamble**:

Firstly, we would like to emphasize the importance of reintroducing references from the Third Draft recalling the primacy of all internationally recognized human rights.

We further encourage:

- A specific recognition of the Human Right Defenders Declaration and retaining explicit references to the protection of human rights defenders as a key element for effective implementation;
- Recognising the right to a clean, healthy, and sustainable environment, as well as relevant General Assembly resolutions and Advisory Opinions of international courts on climate, as important normative developments;
- Acknowledging the particular challenges posed by Transnational Corporations and other business enterprises, and the need for targeted State action;
- Emphasizing the role of the private sector in preventing, contributing to and addressing climate change, particularly in situations of urgency.

Thank you, Mr. Chair.

Delivered by Susana Hernández