

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

ORAL STATEMENTS ON WORDING PROPOSALS BY THE CHAIR

STATEMENT 1

October 13, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, and CAFOD.

We welcome Brazil's proposal for **Article 14.5** which ensures that trade and investment agreements, including future agreements are consistent with States' obligations and relevant human rights instruments. Likewise, we further support their proposal to include a specific reference to investor-state dispute settlement mechanisms.

We also see an important element that should be retained: The requirement not only to interpret and implement these agreements consistently with States' human rights obligations, but also to **review and, where necessary, adapt existing agreements** to ensure such consistency, as argued by the State of Palestine.

This is essential to prevent existing trade and investment agreements from constraining States' ability to fulfil their obligations under the LBI and other internationally recognised human rights standards.

In the countries where our organisations and partner work, we have seen the negative impacts of these agreements on the rights of local communities and indigenous people in the way that they both incentivise violent repression of peaceful protests against extractive corporate activities while constraining the capacity of states to prevent or put an end to abuses.

We therefore encourage the Chair and States to retain an explicit requirement to review and, where necessary, adapt existing agreements to ensure that they do not undermine the implementation of the LBI.

I thank you,

Delivered by Clara Alibert (FR version below)

FRANÇAIS

13 octobre 2026

Merci, Monsieur le Président-Rapporteur,

Je m'exprime au nom de la CIDSE, du CCFD-Terre Solidaire, Manos Unidas, Misereor, Broederlijk Delen, Trócaire, Fastenaktion, et CAFOD.

Nous saluons la proposition du Brésil relative à l'**article 14.5**, qui vise à garantir que les accords commerciaux et d'investissement, y compris les futurs accords, soient conformes aux obligations des États et aux instruments pertinents en matière de droits humains. De même, nous soutenons leur proposition d'inclure une référence spécifique aux mécanismes de règlement des différends entre investisseurs et États (RDIE).

Nous estimons également qu'un élément important devrait être maintenu : l'exigence non seulement d'interpréter et de mettre en œuvre ces accords conformément aux obligations des États en matière de droits humains, mais également de **réexaminer les accords existants et, si nécessaire, de les adapter** afin de garantir cette conformité comme l'a soutenu l'Etat de Palestine.

Cela est essentiel pour éviter que les accords commerciaux et d'investissement existants ne restreignent la capacité des États à s'acquitter de leurs obligations au titre de l'instrument juridiquement contraignant et des autres normes de droits humains reconnues au niveau international.

Dans les pays où travaillent nos organisations et partenaires, nous avons constaté les effets négatifs de ces accords sur les droits des communautés locales et des peuples autochtones, en ce qu'ils encouragent à la fois la répression violente de manifestations pacifiques contre les activités des entreprises extractives et limitent la capacité des États à prévenir les violations ou à y mettre fin.

Nous encourageons donc le Président et les États à maintenir une exigence explicite de réexamen et, si nécessaire, d'adaptation des accords existants, afin de garantir qu'ils ne compromettent pas la mise en œuvre de l'instrument.

Je vous remercie.

Intervention prononcée par Clara Alibert

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 2

October 13, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, and CAFOD.

On **Article 15.4**, we welcome the Chair's proposal to streamline and broaden the Committee's functions. However, we would welcome clarification from the legal experts on the implications of removing the capacity to make normative recommendations in sub-paragraph (a) and its non-inclusion in sub-paragraph (c). We understand from the non-paper that issuing normative recommendations and supporting states parties in this regard is an established function of treaty bodies.

To strengthen the Committee's protective and accountability role, we support authorising it to receive and consider information and reports from affected (or potentially affected) individuals and communities and their legitimate representatives, subject to appropriate admissibility criteria.

We also regret that the proposal does not include a robust monitoring mechanism, as suggested by Uruguay during the 11th session, including: (1) the capacity to receive individual and group communications regarding alleged human rights abuses and violations in the context of business activities; and (2) the capacity to order urgent provisional measures to prevent irreparable harm. A mechanism of this nature would provide an important avenue for those most affected to bring their experiences and concerns directly to the Committee, ensuring that their voices inform its work and address the existing accountability gaps.

Together, these mechanisms would help ensure that the Committee remains responsive to those most affected by business-related human rights abuses and violations and is equipped to contribute meaningfully to the effective implementation of the LBI.

Finally, we call on the Working Group to table the proposal by Palestine and supported by many civil society organisations for the creation of an International Tribunal for dedicated future discussion and consideration at an intersessional consultation.

I thank you.

Delivered by Chris O'Connell

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 3

October 13, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, DKA Austria and CAFOD.

We welcome the strengthening of Article **16.3**, particularly the recognition of heightened risks in conflict-affected areas, including gender-based and sexual violence, the recruitment and use of children, and the worst forms of child labour. We greatly welcome the requirement to terminate business activities and relationships where abuses cannot be prevented. We would also fully support an explicit reference to respect for international humanitarian law, as suggested by several states.

However, we believe the reference to human rights abuses being “mitigated” should be changed to “ended”. Mitigation should not become an alternative to preventing abuses and addressing their root causes.

Furthermore, we have concerns related to the scope of this protection. We would support a cross-cutting principle requiring States to address the heightened and differentiated risks faced by individuals and communities in vulnerable or high-risk situations throughout the implementation of the LBI, in line with the language of preamble paragraph 14. This would help ensure a consistent approach to the protection of specific groups across its different provisions, including, for example, barriers faced by persons or groups in a situation of vulnerability or marginalisation in accessing the International Fund for Victims under **Article 15.7**, which was discussed earlier.

We therefore encourage States to retain the important safeguards proposed here, while ensuring that they apply beyond conflict-affected areas and are not limited to the specific risks enumerated in this provision.

Thank you, Chair.

Delivered by Wies Willems

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 4

October 13, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

We greatly appreciate the Chair-Rapporteur's proposal under **Article 16.6** to protect public policies and decision-making spaces, including judicial, regulatory and governmental bodies, from undue political influence by businesses. We consider this an important safeguard for the integrity and independence of public decision-making.

We nevertheless encourage further strengthening of the provision by explicitly referring to interference and influence by commercial and other vested interests, as proposed by Palestine and the legal experts' non paper presented during the 11th session, and by adding an explicit reference to conflicts of interest, in line with Colombia's suggestion. It is an established fact that many TNCs are richer and more powerful than the majority of states. We have seen in the countries where our partners work that commercial interests regularly interfere with public decision-making processes to enhance their own profits even when they come at a cost of negative human rights and environmental impacts. In this context, language such as that proposed represents a minimum standard.

These additions would provide a clearer and more comprehensive safeguard against situations in which commercial or other vested interests may improperly interfere with public institutions or influence decisions that should be taken in the public interest.

I thank you.

Delivered by Susana Hernández

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 5

October 14, 2026

Gracias, señor Presidente-Relator,

Intervengo en nombre de Copae, CIDSE y de sus organizaciones miembros: Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion.

Valoramos positivamente la formulación propuesta por la Presidencia en el **artículo 1.3**, que vincula la vulneración de los derechos humanos con las repercusiones adversas para dichos derechos derivadas de actos u omisiones en el contexto de actividades empresariales. Sin embargo, lamentamos que no se haya hecho mención explícita de los impactos directos e indirectos de las actividades empresariales.

Asimismo, consideramos que falta un elemento importante: **el reconocimiento explícito del derecho a un medio ambiente seguro, limpio, saludable y sostenible dentro de la definición de vulneración de los derechos humanos, sobre todo en contextos de explotación minera química de metales**

Dada la importante degradación ambiental asociada a muchas actividades empresariales y sus consecuencias directas para los derechos humanos, este reconocimiento es fundamental para garantizar que el instrumento jurídicamente vinculante ofrezca una base coherente para la prevención, la rendición de cuentas y la reparación.

Por ello, instamos a los Estados a reincorporar esta referencia explícita en el artículo 1.3.

Presentado por Udiel Miranda (EN version below)

ENGLISH

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of Copae, CIDSE and its member organisations, Manos Unidas, Misereor, CCFD- Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

We welcome the Chair's formulation linking human rights abuse to adverse human rights impacts arising from acts or omissions in the context of business activities in **Article 1.3**. However, we regret that there is no explicit mention of the expression "direct or indirect".

Another important element that is missing is the **explicit recognition of the right to a safe, clean, healthy and sustainable environment within the definition of human rights abuse**.

Given the significant environmental harm associated with many business activities and its direct consequences for human rights, this recognition is important to ensure that the LBI provides a coherent basis for prevention, accountability and remedy.

We therefore encourage States to reinstate this explicit reference in Article 1.3.

Delivered by Udiel Miranda

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 6

October 14, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD- Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, and CAFOD.

We welcome the Chair-Rapporteur's broad definition of business activities in **Article 1.4**. We particularly welcome the coverage of a wide range of sectors and actors, **including State-owned enterprises, financial institutions, investment funds and digital and, specifically artificial intelligence activities**. For the sake of clarity, we suggest adding "direct and indirect" before the term "business relationships" to ensure that the whole value chain is covered.

This is a key strength of the proposal, as it reflects the diversity and complexity of contemporary business activities, direct and indirect, which—**as we know from the impoverished countries where our partners work—are having a very serious impact on people and the environment: our Common Home**.

We encourage States to preserve this broad approach and ensure that it remains coherent with the definitions of business relationships and transnational business activities elsewhere, so that the LBI does not leave gaps in protection.

I thank you

Delivered by Marta Isabel González Álvarez (ES version below)

SPANISH VERSION

Gracias, Señor Presidente-Relator,

Hablo en nombre de CIDSE y de sus organizaciones miembros: Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, y CAFOD.

Acogemos con satisfacción la amplia definición de «actividades empresariales» que ofrece el presidente-relator en el **artículo 1.4**. Acogemos con especial satisfacción que se abarque una amplia gama de sectores y actores, incluidas las **empresas públicas, las instituciones financieras, los fondos de inversión y las actividades relacionadas con la tecnología digital y, específicamente, la inteligencia artificial**. Para mayor claridad, sugerimos unir «directas e indirectas» al término «relaciones comerciales» a fin de garantizar que se abarque toda la cadena de valor.

Este es un "punto fuerte" importante de la propuesta, ya que refleja la diversidad y la complejidad de las actividades empresariales contemporáneas, directas e indirectas, que, **como sabemos en los países empobrecidos donde trabajan nuestras organizaciones socias locales, están afectando muy gravemente a las personas y al medio ambiente: nuestra Casa Común**.

Animamos a los Estados a que mantengan este enfoque amplio y garanticen que siga siendo coherente con las definiciones de relaciones comerciales y actividades empresariales transnacionales que figuran en otros textos, de modo que el Instrumento Jurídicamente Vinculante no deje lagunas en materia de protección.

Muchas gracias.

Presentado por Marta Isabel González Álvarez

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 7

October 14, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of the Xinka Parliament, CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, and CAFOD.

We welcome the Chair's approach to defining business activities of a transnational character **in Article 1.5** through the nature and cross-border effects of the activity.

We consider this important because the LBI should capture situations in which business operations occur across different locations and their impacts extend across borders.

We would, however, encourage further examination of the formulation in paragraph (b), particularly to ensure that it adequately captures relevant cross-border business relationships, direct and indirect, and impacts without creating gaps in protection.

This should also be read together with **Articles 1.4 and 1.6, and Article 3.1** which need to provide a sufficiently comprehensive basis for defining the scope of the instrument.

Delivered by Lisbeth from Xinka Parliament (ES version below)

ESPANOL

Gracias, señor Presidente-Relator,

Intervengo en nombre del Parlamento del Pueblo Xinka, de CIDSE y de sus organizaciones miembros: Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion y CAFOD.

Señor Presidente-Relator, este artículo que pretende definir las actividades empresariales de carácter transnacional es de suma importancia para los grupos e individuos más impactados por estas actividades, especialmente los pueblos indígenas que sufrimos esos impactos de una manera desproporcionada.

Yo soy una mujer indígena Xinka de Guatemala, un pueblo que ha tenido que aprender a través de experiencias duras y frustrantes sobre el carácter nébula de las actividades transnacionales y como la ausencia de una definición ampliamente consensuada funciona para facilitar a las empresas transnacionales utilizar estructuras corporativas y relaciones comerciales complejas y opacas para evitar sus responsabilidades y denegar a sus víctimas acceder a la justicia.

Por ello, cogemos con satisfacción el enfoque del presidente para definir las actividades empresariales de carácter transnacional **en el artículo 1.5** a través de la naturaleza y los efectos transfronterizos de la actividad.

Consideramos que esto es importante porque la LBI debería abarcar situaciones en las que las operaciones empresariales se desarrollan en diferentes lugares y sus repercusiones se extienden más allá de las fronteras.

No obstante, animamos a que se examine más a fondo la redacción del apartado b), en particular para garantizar que recoja adecuadamente las relaciones comerciales transfronterizas pertinentes, directas e indirectas y sus repercusiones sin crear lagunas en la protección.’

Esto también debe leerse conjuntamente con **los artículos 1.4 y 1.6, y el artículo 3.1**, que deben proporcionar una base suficientemente exhaustiva para definir el ámbito de aplicación del instrumento.

Presentado por Lisbeth Gutiérrez, del Parlamento de Xinka

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 8

October 14, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion, and CAFOD.

We welcome several important elements of the Chair-Rapporteur's proposal on business relationships in **Article 1.6**. In particular, we welcome the explicit inclusion of affiliates, subsidiaries, suppliers, joint ventures, financial institutions, investment funds and transnational corporate groups, as well as the reference to value chains. These elements reflect the complexity of contemporary corporate structures. We encourage ensuring that the provision is sufficiently clear and comprehensive to capture the **entire value chain** and the range of relationships through which business activities are conducted, including the investments and other services by financial institutions.

This is essential to avoid legal uncertainty and, importantly, to prevent corporate structures from being used to evade accountability.

Delivered by Wies Willems

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 9

October 14, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

We appreciate the Chair-Rapporteur's effort to streamline **Article 1.8** and clarify the relationship between the definition of due diligence and the substantive obligations under Article 6. However, we remain concerned that the proposal retains the concept of human rights due diligence, without explicitly recognising environmental due diligence (HREDD).

Environmental and human rights impacts are often intrinsically connected and should therefore be addressed through a coherent due diligence framework.

The current Article 1.8 refers to due diligence processes and includes a requirement to mitigate adverse human rights impacts. However, framing the obligation in terms of mitigation risks suggesting that a certain degree of human rights abuse is acceptable. This would run counter to the treaty's fundamental objective of preventing human rights abuses and ending business activities that caused harm

It is essential to clarify the substance of this definition to ensure a consistent interpretation of the instrument's provisions on prevention.

All of the above elements would contribute to strengthening the preventive purpose of due diligence and would make an important contribution to ensuring that environmental risks and impacts are adequately addressed in the implementation of this instrument. Last but not least, as we mentioned during discussions on Article 6 and Article 8 during the 11th session Human Right and environmental due diligence should not automatically absolve a company from legal liability for harms and not be an obstacle for victims to obtain justice and effective remedies.

Delivered by Clara Alibert (FR version below)

FRANÇAIS

Merci, Monsieur le Président-Rapporteur,

Je m'exprime au nom de CIDSE, CCFD-Terre Solidaire, Manos Unidas, Misereor, Broederlijk Delen, Trócaire, Fastenaktion et CAFOD.

Nous saluons les efforts du Président-Rapporteur visant à renforcer **l'article 1.8** et à clarifier le lien entre la définition du devoir de vigilance et les obligations de fond prévues à l'article 6. Toutefois, nous demeurons préoccupés par le fait que la proposition conserve le concept de devoir de vigilance en matière de droits humains, sans reconnaître explicitement le devoir de vigilance en matière d'environnement (HREDD).

Les impacts sur l'environnement et les droits humains sont souvent intrinsèquement liés et devraient, par conséquent, être traités dans le cadre d'un dispositif cohérent de devoir de vigilance.

Dans sa version actuelle, l'article 1.8 fait référence aux processus de devoir de vigilance et prévoit une obligation d'atténuer les atteintes aux droits humains. Toutefois, formuler cette obligation en termes d'atténuation risque de laisser entendre qu'un certain niveau d'atteintes aux droits humains est acceptable. Cela irait à l'encontre de l'objectif fondamental du traité, qui est de prévenir les atteintes aux droits humains et mettre fin aux activités commerciales qui ont causé un dommage.

Il est essentiel de clarifier le contenu de cette définition afin de garantir une interprétation cohérente des dispositions de l'instrument relatives à la prévention.

L'ensemble des éléments susmentionnés contribuerait à renforcer la finalité préventive du devoir de vigilance et permettrait de garantir que les risques et les incidences sur l'environnement soient dûment pris en compte dans la mise en œuvre de cet instrument.

Enfin, et ce point est essentiel, comme nous l'avons souligné lors des discussions sur les articles 6 et 8 au cours de la 11^e session, le devoir de vigilance en matière de droits humains et d'environnement ne doit pas automatiquement exonérer une entreprise de sa responsabilité juridique en cas de préjudice, ni faire obstacle à l'accès des victimes à la justice et à des voies de recours effectives.

Intervention prononcée par Clara Alibert

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 10

October 14, 2026

Kaw yuch'antihoxh, chin tihoxhli teyet yinh sb'ih hin tx'otx'al Xe'q'aq' han, oxhimi haknheti' heyehi.

Gracias, señor Presidente-Relator,

Intervengo en nombre del Consejo de Pueblos Mayas de Guatemala, CIDSE y sus miembros.

Soy una mujer maya Popti' de Guatemala y desde las experiencias de los territorios que han sufridos los impactos de los proyectos extractivos, necesitamos un Tratado que ponga límites claros cuando la actividad empresarial amenaza la vida, la dignidad y la Madre Tierra e instamos al Estado de Guatemala a asumir un papel fundamental y con responsabilidad en estas negociaciones en favor de los Derechos humanos en defensa de la vida, el territorio y nuestros bienes comunes naturales, para avanzar hacia el buen vivir de los pueblos.

La mina Marlin, en San Marcos, El proyecto minero Fénix, en El Estor, Izabal y el caso de Yich K'isis, en Huehuetenango, son algunos que han provocado contaminaciones del agua, el aire y el suelo, y generado graves conflictos socioambientales, donde las comunidades han denunciado que los proyectos fueran autorizados y desarrollados sin haber obtenido su consentimiento libre, previo e informado.

Es por ello que es necesario que este Tratado se convierta en una herramienta que cambie la realidad de las personas que están en los territorios. Para lograr esa tarea, proponemos cinco metas que debe lograr:

1. Un instrumento que cierre las brechas que hoy permiten que los abusos queden impunes.
2. Debe establecer obligaciones claras y exigibles para las empresas y sus cadenas de suministro y garantizar el acceso efectivo a la justicia y a la reparación, incluso cuando una empresa tiene su matriz en un país y el impacto ocurre en otro.
3. Un instrumento que ponga los derechos humanos por encima de los intereses económicos y que reconozca los derechos de los pueblos indígenas como el derecho a la participación y a la consulta, de acuerdo con los estándares internacionales.
4. Debe proteger especialmente a quienes defienden los derechos humanos y del medio ambiente.
5. Debe abordar los impactos ambientales y climáticos desde una perspectiva de derechos humanos, como indicó la Corte Internacional de Justicia.

En ese contexto, valoramos la propuesta del presidente-relator de mantener la prevención y el acceso a la justicia y a las vías de recurso como objetivos fundamentales del instrumento, incluida la atención prestada al género, la edad, los niños, la discapacidad y las víctimas en la Declaración de objetivo del Tratado.

Al mismo tiempo, animamos a que se refuerce aún más la disposición relativa a los objetivos anteriormente mencionados. Quisiera resaltar dos aspectos específicos: en primer lugar, el instrumento debería establecer claramente una regulación estatal sólida de las actividades empresariales a lo largo de todas las cadenas de valor global. En segundo lugar, creemos que la referencia a «mitigar» las violaciones de los derechos humanos como objetivo debería sustituirse por «poner fin a».

Por lo tanto, abogamos por una formulación que sitúe firmemente en el centro la prevención y el acceso a las vías de recurso, al tiempo que garantice una cobertura integral en todas las cadenas de valor global.

Pronunciado por Ramona Margarita Domingo Díaz

ENGLISH

Thank you, Mr. Chair-Rapporteur,

I speak on behalf of the Council of Maya Peoples of Guatemala (Consejo de Pueblos Mayas de Guatemala), CIDSE, and its members.

I am a Popti' Maya woman from Guatemala. Drawing from the experiences of territories that have suffered the impacts of extractive projects, we need a treaty that sets clear limits when corporate activity threatens life, dignity, and Mother Earth. We urge the State of Guatemala to take a fundamental and responsible role in these negotiations—in support of human rights and in defense of life, our territory, and our natural common goods—to advance toward the "good living" (*buen vivir*) of our peoples.

The Marlin mine in San Marcos, the Fénix mining project in El Estor (Izabal), and the Yich K'isis case in Huehuetenango are examples of projects that have caused the contamination of water, air, and soil, and have triggered serious socio-environmental conflicts. In these instances, communities have reported that the projects were authorized and developed without obtaining their free, prior, and informed consent.

Therefore, this treaty must become a tool that transforms the reality of people living in these territories. To achieve this, we propose five objectives:

1. It must be an instrument that closes the gaps that currently allow abuses to go unpunished.
2. It must establish clear and enforceable obligations for companies and their supply chains, and guarantee effective access to justice and remedy—even when a company's headquarters are in one country and the impact occurs in another.
3. It must be an instrument that prioritizes human rights over economic interests and recognizes the rights of Indigenous peoples—such as the right to participation and consultation—in accordance with international standards.
4. It must provide specific protection for those who defend human rights and the environment.
5. It must address environmental and climate impacts from a human rights perspective, as indicated by the International Court of Justice. In this context, we welcome the proposal by the Chair-Rapporteur to maintain prevention and access to justice and remedies as fundamental objectives of the instrument—including the attention given to gender, age, children, disability, and victims within the Declaration of Objectives.

At the same time, we encourage further strengthening the provisions related to these objectives. I would like to highlight two specific points: first, the instrument should clearly establish robust state regulation of business activities throughout global value chains. Second, we believe that the reference to "mitigating" human rights violations as an objective should be replaced with "ending" them.

Therefore, we advocate for a formulation that firmly places prevention and access to remedies at the center, while ensuring comprehensive coverage across all global value chains.

Delivered by Ramona Margarita Domingo Díaz

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 11

October 15, 2026

Thank you, Mr. Chair-Rapporteur,

I am speaking on behalf of CIDSE and its member organisations, Manos Unidas, CCFD-Terre Solidaire, Broederlijk Delen and Trócaire.

On **Article 3.1**, we appreciate the Chair's efforts to establish the scope by giving two options. However, we feel neither reflects what the legal experts suggested during the intersessional consultation: focusing on the nature of business activities rather than the enterprise's legal form, as this can help prevent regulatory gaps, while nevertheless prioritising those activities of a transnational character. In this context, we are unclear as to the meaning of "other business activities" in Option 1 and recommend adding language that clarifies this matter.

In addition, we would like to reiterate the importance of reading the scope together with the definitions of business activities, transnational business activities and business relationships already discussed, as well as with the operative provisions of the LBI. These provisions need to work together to ensure comprehensive coverage of complex corporate structures, global value chains and cross-border impacts.

Finally, Mr. Chair we note with interest but also puzzlement the position of the European Union in favour of broad personal scope, which is in line with the UN Guiding Principles, but stands in marked contrast to the highly restrictive scope of the Corporate Sustainability Due Diligence Directive as adopted in 2024, and which was further restricted by the first Omnibus process last year. We are of the view that a broad scope with an explicit focus on transnational business activities could help to resolve these inconsistencies and to close the existing normative gaps that contribute to corporate impunity, and so encourage the EU and other States to support such an approach.

Thank you.

Delivered by Chris O'Connell

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 12

October 15, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

We take note of the Chair's proposal allowing States to differentiate how business enterprises discharge prevention obligations according to factors such as size, sector, operational context and the severity of impacts. We understand the rationale for ensuring that prevention obligations can be implemented in a proportionate and non-discriminatory manner. In this sense, we welcome your proposal-as it has already been done by Palestine and other States- to move this obligation to **Article 6.7**.

At the same time, any differentiation should not weaken the substantive obligations or create gaps in protection all along the value chain. The approach should therefore ensure that proportionality in implementation does not become a basis for exempting businesses from meaningful prevention responsibilities.

We encourage States to ensure that differentiation remains consistent with the overall objective of effective prevention and accountability.

Delivered by Susana Hernández

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 13

October 15, 2026

Thank you, Mr. Chair-Rapporteur,

I'm speaking on behalf of the Xinka Peoples Parliament of Guatemala, CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

I am Huxi Hurak, of the Xinka People—a name that means "the man who guides"—and I am here representing my people, who are engaged in an ongoing struggle to reclaim their individual and collective rights as an Indigenous people.

We believe there are significant points of convergence between the two options presented by the Chair-Rapporteur for Article 3.3, "Scope of human rights." We find Option 1 particularly useful, as it provides a broader foundation by referencing treaties, customary international law, general principles of law, and domestic law.

However, we remain concerned that neither option explicitly recognizes the right to a safe, clean, healthy, and sustainable environment, nor does either reference key instruments such as the UN Declaration on the Rights of Indigenous Peoples.

Therefore, we urge States to adopt the broadest possible formulation of internationally recognized human rights and fundamental freedoms, including explicit mention of these rights. This would ensure consistency with our proposal under Article 1.3 and strengthen the Treaty's capacity to address the environmental dimensions of human rights violations linked to corporate activities.

Delivered by Amilvar Urías Sánchez (ES below)

ESPAÑOL

Gracias, señor Presidente-Relator,

Intervengo en nombre del Parlamento de los Pueblos Xinka de Guatemala, la CIDSE y sus miembros.

Soy Huxi Hurak del Pueblo Xinka, que significa ‘el hombre que guía’ y estoy aquí en representación de mi pueblo que se encuentra en una lucha constante para la reivindicación de sus derechos individuales y colectivos como pueblo indígena.

Nosotros consideramos que existen importantes elementos de convergencia en las dos opciones presentadas por el presidente-relator **para el artículo 3.3 “Ámbito de aplicación de los derechos humanos”**. Consideramos que la opción 1 es especialmente útil, ya que proporciona una base más amplia al hacer referencia a los tratados, el derecho internacional consuetudinario, los principios generales del derecho y el derecho interno.

Sin embargo, nos queda unas preocupaciones pendientes: ninguna de las opciones reconoce explícitamente el derecho a un medio ambiente seguro, limpio, saludable y sostenible, así como importantes declaraciones como la Declaración de los Derechos de los Pueblos Indígenas de la ONU.

Por lo tanto, animamos a los Estados a que mantengan la formulación más amplia de los derechos humanos y las libertades fundamentales reconocidos internacionalmente, haciendo una mención explícita a estos derechos. Esto garantizaría la coherencia con nuestra propuesta en virtud del artículo 1.3 y reforzaría la capacidad del Tratado para abordar las dimensiones medioambientales de las violaciones de los derechos humanos relacionadas con las empresas.

Gracias.

Pronunciado por Amilvar Urías Sánchez

12th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

STATEMENT 14

October 15, 2026

Thank you Mr Chair-Rapporteur,

I am speaking on behalf of CIDSE and its member organisations, Manos Unidas, Misereor, CCFD-Terre Solidaire, Broederlijk Delen, Trócaire, Fastenaktion and CAFOD.

I would like to echo the thanks expressed by others for your stewardship of this process and for the support of the legal experts.

I would like to express support for the proposal already advanced that the **Roadmap** provide for consultations with States and civil society organisations ahead of the finalisation of the next draft text and echo calls for such consultations to use hybrid methodologies to facilitate the widest possible engagement of human rights defenders, indigenous peoples and affected communities. As we have observed yet again this week, their contributions continually enrich and advance this process toward the fulfilment of its mandate while reminding all parties why it is so urgently required. All efforts must be made to facilitate this engagement in the crucial next steps of this process.

Accordingly, regarding the way forward, we support the proposals made by Palestine and Cuba.

Thank you.

Delivered by Chris O'Connell