

First Intersessional Thematic Consultation Towards the 12th Session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights

Article 12.1

7th April 2026

This statement is made on behalf of the International Service of Human Rights, the Center for International Environmental Law (CIEL), Franciscans International, FIAN International, Friedrich-Ebert-Stiftung (FES) and Forum- Asia.

As we go forward with the negotiations towards the twelfth session, we believe more than ever that binding rules and better regulations of business enterprises, especially of transnational corporations are not only fundamental, but one of the strongest options to guarantee the respect of human rights by businesses.

We reiterate our commitment to continue engaging constructively in the negotiations and we welcome the efforts by the Chair to advance the process. We understand the liquidity crisis, however, we continue regretting that the process has not implemented measures, such as hybrid modalities or video messages, to guarantee the participation of human rights defenders, civil society organizations and representatives of communities impacted by business activities.

On article 12, we would like to highlight the urgent need for the Legally Binding Instrument (LBI) to provide comprehensive and enforceable protection for human rights defenders,¹ Indigenous Peoples, people working in rural areas and affected communities whose human rights to life, health, adequate food, and water, inter alia are being violated and who are at the frontline of resisting corporate abuses and are witnessing systematic repression. This would not be a mere formality, this would effectively respond to the reality in many regions. The inclusion of specific provisions for these rightholders are paramount to guarantee access to justice; including by ensuring their protection and meaningful participation. *This is relevant for article 12.1 by expanding the scope of the article to cover aspects to article 4 and 5 related to the protection of victims to make the future LBI operational and practical. We also support maintaining language on access to information and supply of evidence in this article. Such cooperation can be especially important in cases of actual or potential transboundary environmental harm.*

We urge all States to constructively participate in the negotiations, while adopting and protecting

Thank you.

¹ See [“Declaration on human rights defenders +25 - A supplement to the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: 25 years on”](#), 2024

**Second Intersessional Thematic Consultation Towards the 12th Session of the
Open-Ended Intergovernmental Working Group on Transnational Corporations and other
Business Enterprises with Respect to Human Rights**

Article 3.3

9th April 2026

This statement is made on behalf of the International Service of Human Rights, the Center for International Environmental Law (CIEL), Franciscans International, FIAN International, Friedrich-Ebert-Stiftung (FES) and Forum- Asia.

On the environmental scope of the legally binding instrument we would like to make some comments. This year will mark five years since the Human Rights Council recognized the right to a clean, healthy and sustainable environment and one year after the delivery of two landmark advisory opinions on climate change by the International Court of Justice and the Inter-American Court of Human Rights. In particular, the ICJ addressed how the right to a clean, healthy and sustainable environment can be adversely impacted by business operations and activities and underscored that States are engaging in internationally wrongful acts when failing to protect against emissions, including by not regulating private actors. These developments necessitate explicitly embedding the right to a healthy environment within the LBI.²

Despite these developments, corporations remain among the principal drivers of environmental destruction, and significant gaps persist between normative recognition and enforceable regulation of corporate conduct.³ This has also been evidenced with the escalation of hostilities and wars in various parts of the world, where corporations tied to the military industrial complex reap profits while contributing to environmental destruction. Recent deregulatory developments, including attempts to weaken human rights and environmental safeguards in instruments such as the recently adopted European Union (EU) Corporate Sustainability Due Diligence Directive (CSDDD), the weakening of environmental institutions in Latin America and regressive environmental legislation, underscore the risk that political compromise and corporate influence can dilute environmental obligations and entrench weak compliance approaches that perpetuate corporate impunity.

Since the removal of environmental language in the current draft, many delegations, including during the 11th Session, have expressed and demanded the reinsertion of environmental considerations throughout the draft. An instrument that aims to regulate business activities will not achieve its goal if it does not include the right to a clean, healthy and sustainable environment as part of its material scope. Thank you.

² See [“No profit without accountability: recognising the right to a healthy environment”](#), a briefing prepared by FIAN International, FES, Franciscans International, CIEL and ISHR to support the integration of the right to a clean, healthy and sustainable environment in the current draft.

³ See [“Time to Act: Securing a Sustainable Future Through Corporate Accountability”](#), The Relevance of the United Nations Legally Binding Instrument to Regulate the Activities of Transnational Corporations and Other Business Enterprises as a Structural Lever for Environmental Justice