

Geneva, Switzerland | May 2026

CIVIL SOCIETY STATEMENT

Defending the Original Mandate of the UN Binding Treaty on Business and Human Rights

About this statement

This statement was delivered during the May 2026 intersessional consultations of the Open-ended Intergovernmental Working Group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights. The consultations focused on the Preamble and Article 1 of the draft legally binding instrument ahead of the 12th session of negotiations. The statement was delivered on behalf of the Treaty Alliance, the ESCR-Net, the Feminists for a Binding Treaty and the Global Campaign.

Mister Chair,

First and foremost, we wish to express our gratitude to the Chair Rapporteur and his team for their dedicated efforts in creating a strong legally binding instrument throughout this process, as well as to the experts for their contributions to this end. Similarly, we welcome the participation of States during the 2026 intersessional period. Such engagement demonstrates their interest and commitment to the process, especially given the informal nature of these discussions. We anticipate their continued active involvement during the 12th session.

More than a decade after the adoption of UN Res 26/9, we have reached a decisive moment in the treaty negotiations process. **This process was established for a clear purpose: to confront corporate impunity, regulate business activities of a transnational character, fill in the accountability gaps left by voluntary approaches and ensure access to justice and remedy for affected peoples and communities.** The integrity of that mandate must be defended.

It goes without saying that the final treaty must remain fully aligned with the original objective of Resolution 26/9. It must establish binding international obligations to regulate the activities of corporate actors on a transnational scale, guarantee accountability, and ensure legal liability for human rights violations and environmental destruction. **This process cannot end with a weakened instrument shaped by political compromise or corporate capture.**

We would like to refer to the reiterated narrative according to which a "balanced" LBI, meaning a weakened instrument, is needed to safeguard investment and development. In the same vein, an ambitious and detailed instrument, one that contributes to the evolution of international law and to closing accountability gaps, is viewed as detrimental to the economies of states in the Global south. **The exact opposite is the case: It's human rights violations, perpetrated throughout global value chains of transnational corporations, that lead to destruction, while binding regulations can help foster sustainable development, improve living conditions and protect the environment.**

For years, affected communities, workers, Indigenous Peoples, peasants, and civil society organisations have invested immense effort into these negotiations. They have brought testimony, expertise, and lived experience to this process. Their collective struggle cannot result in a treaty that merely reproduces the failures of voluntary frameworks that have allowed corporate impunity to persist. **These negotiations were created precisely because voluntary approaches have failed to stop widespread violations and abuses of human rights by corporations.**

At this stage, there is growing concern over attempts to dilute key provisions related to corporate legal liability, prevention, access to justice, jurisdiction, international cooperation, the obligations of transnational corporations across global supply and value chains, and the consistency of trade and investment regimes and other international legal instruments with this LBI. **Such provisions should not be lost under the guise of simplifying the text.**

Many States have engaged in good faith and put their time and effort towards the purpose of this treaty reflecting the demands of communities affected by corporate power. These contributions **must not be ignored or shoved aside to appease corporate actors lobbying to weaken the text of the Binding Treaty.**

Faced with wars fueled by corporate interests, the growing dominance of economic elites over governments, skyrocketing inequality and massive human rights violations across the Global South, this IGWG has the obligation and the moral duty to regulate corporate power. At a time when the multilateral system and international law are under attack, this Treaty represents an opportunity to prove that the United Nations still serves 'the Peoples'. **To fail now would be to admit that multilateralism has been defeated by corporate interests.**