

Geneva, Switzerland | May 2026

CIVIL SOCIETY STATEMENT

Preserving the Integrity of the UN Binding Treaty Process: Civil Society Recommendations for the Next Phase of Negotiations

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,

As we think about ways forward, we ask the IGWG to consider the following procedural elements :

- The pursuit of **broad State support cannot come at the expense of the substance of the treaty**. A strong instrument must not be sacrificed to accommodate governments unwilling to support meaningful corporate regulation and that have not engaged with the process in good faith so far.
- This historic opportunity must **deliver structural change in legal standards for corporate accountability** — challenging existing systems of corporate impunity. The final treaty must therefore contain strong and enforceable provisions to establish effective legal liability for corporate actors across supply and value chains; guarantee access to justice and remedy for affected communities; strengthen State regulation of transnational corporate activity;

protect human rights defenders and affected communities; and ensure international cooperation and robust enforcement mechanisms capable of addressing corporate impunity across borders.

- Regarding the **timeline** for publication of the next draft, the priority must be the strength and integrity of the text rather than arbitrary deadlines. If additional time is needed to preserve strong accountability provisions and reflect the demands of affected communities, flexibility should be shown. If there is a new draft for the 13th session in October 2027, it should be published no later than June 2027 to allow sufficient time for analysis, consultation, and preparation ahead of the negotiations.
- We propose discussing and agreeing on two main criteria that shall guide the process of revision of the Draft:
 - 1) **Preservation of the most protective human rights language:** The drafting process shall prioritize language that offers the strongest protection for human rights, the environment, and affected communities, in strict accordance with the mandate established by Human Rights Council Resolution 26/9. All provisions and amendments that are not aligned with protective language and with Resolution 26/9 should be rejected.
 - 2) **Inclusion of broadly supported proposals and amendments:** Provided that the first criterion is met, revisions should incorporate proposals and amendments that have received the broadest support from States in previous sessions, ensuring that the text reflects the democratic convergence of views achieved to date.
- **Meaningful consultations with affected communities and civil society movements must also take place before the next draft is published.** We ask the Chair-Rapporteur to continue meeting with communities and social movements bilaterally before a next draft is issued, so as to ensure that our demands and concerns are fully reflected. Enough time should be provided to comment on the methodology for the 12th session of the OEIWG and beyond.

At this decisive moment, negotiations must move toward a treaty that genuinely confronts corporate power rather than accommodate it. This process was created to regulate the activities of transnational corporations and to end corporate impunity — not to reproduce the gaps of existing voluntary measures.

Thank you.