

UN negotiations caught between corporate lobby and the struggle for global justice

Report on the eleventh session of the intergovernmental working group on transnational corporations and other business enterprises with respect to human rights ("UN Treaty")

by Celia Sudhoff

From October 20–24, 2025, 63 states came together at the United Nations (UN) Human Rights Council to negotiate an international, legally binding instrument to regulate the activities of transnational corporations and other business enterprises (also known as the "UN Treaty"). Since the adoption of [Resolution 26/9](#) by the UN Human Rights Council in 2014, the intergovernmental working group mandated to draft such an agreement already has met eleven times. The negotiations built on the progress made in the previous round of negotiations in December 2024.

While participation was slightly down on the previous year, new regional players such as the Gulf Cooperation Council took part. The focus was on Articles 12 to 24 of the draft treaty, with particular debate centering on the form of international cooperation.

Civil society groups warned of the growing influence of economic interests, which threatened to increasingly hijack the negotiation process ("corporate capture"). Despite controversial positions, progress was made on including the right to a clean environment and better access to justice. With the adoption of the roadmap for 2026, a structured approach to find further convergence has been agreed, but given the political and financial hurdles, it remains uncertain whether an agreement on a binding treaty will be reached in the near future.

The negotiations for the UN Treaty are a key component in closing existing regulatory gaps in international law. To date, there has been a lack of effective mechanisms to hold companies accountable for human rights and environmental violations. Serious environmental destruction, labour law violations and social exploitation occur repeatedly around the world – and the majority of these violations remain without legal consequences. Existing trade and investment agreements promote deregulation and prevent stronger environmental and human rights standards. A legally binding instrument can give human rights priority over profit interests and require companies to take responsibility along their entire value chain.

This briefing paper provides information on the most important developments and results of the eleventh session and gives political context.

After a busy year in which several intersessional consultations were held, the states met in Geneva in mid-October 2025 for the eleventh session of the intergovernmental working group. Many del-

egations and observers rightly praised the consultations held in advance¹, which, together with the [legal experts](#), were an important contribution to building trust and moving closer to a compromise,

¹ See also the blog series on the consultations and the latest information on the UN treaty process on the Global Policy Forum Europe website.

which was to be further developed during the negotiation round. The additional consultations and the appointment of legal experts were made possible by [Decision 56/116](#) of the UN Human Rights Council in July 2024. As a result, the working group was allocated additional resources for three years from 2025.

The round of negotiations was opened not by the UN High Commissioner for Human Rights himself, as in previous rounds, but by [Peggy Hicks](#), head of his office. Hicks acknowledged promising progress in the area of corporate responsibility, in particular the increasing introduction of binding due diligence laws and other legal regulations. She referred to recent opinions of [the International Court of Justice](#) and the [Inter-American Court of Human Rights](#), which recognise that companies must be regulated with regard to their impact on climate change. This would strengthen not only access to legal remedies, but also the right to a clean environment in the human rights system. Hicks made it clear that human rights are not optional and should not be subordinated to profit interests. A binding UN treaty would offer the opportunity to strengthen access to justice, ensure clear and, above all, enforceable human rights standards, and place human rights as a whole at the centre of economic regulation.

Pichamon Yeophantong, Chair of the UN Working Group on Business and Human Rights, pointed out in her subsequent [speech](#) that there had also been setbacks in some legal systems. Although Yeophantong did not explicitly mention the planned reform of the European Corporate Sustainability Due Diligence Directive (CSDDD), she called the de-prioritisation of human rights alarming and a wrong message to businesses. A global, legally binding instrument was therefore all the more important. This instrument should be based on the UN Guiding Principles on Business and Human Rights (UNGPs) and on solidarity-based partnerships.

In his opening statement, Marcelo Vázquez Bermúdez, the Ecuadorian chair of the intergovernmental working group on the UN treaty, thanked the participating states for their long-standing support for the process. Bermúdez recalled that Resolution 26/9 of the Human Rights Council calls for

a response to the existing legal gaps in the international system, particularly with regard to transnational economic activities. The negotiations for a UN treaty made it possible to build on previous efforts to implement the UNGPs, the regulations of the International Labour Organisation (ILO) and the Organisation for Economic Co-operation and Development (OECD). Greater legal certainty for all actors could help ensure that neither states nor companies respecting human rights were economically disadvantaged.

Bermúdez added that more and more companies were recognising the stabilising effect of respect for human rights and how much it strengthened the confidence of both consumers and investors. In conclusion, the Chair emphasised that after more than a decade, this process had now reached a new decisive phase. Growing expertise in the room, additional resources and strengthened political would mean that the end of the negotiations was within reach.

Participation and opening statements

A total of 64 UN member states took part in the negotiations in 2025, 10 fewer than in 2024². Palestine participated with UN observer status, as did the EU on behalf of its 27 Member States and the Gulf Cooperation Council on behalf of its six member states. There was a slight regional shift in the participation of states from Europe to states from the Arabic-speaking world. Unlike in previous years, there was no joint statement from the African Union during the eleventh round of negotiations. The USA and Argentina stayed away from the process. Both had participated in the negotiations in 2024.

In their opening statements, many states emphasised their commitment to the Working Group and reported on progress in implementing national action plans (NAPs) to implement the UNGPs or new, legally binding instruments. In addition to increased participation by the Gulf states, Central and South American countries, including Mexico, Colombia and Uruguay, were particularly active. Palestine largely echoed the positions of civil society organisations. Participation by African countries declined, and just a few Asian countries were present – only China, Japan and Indonesia participated actively.

2 Not present compared to 2024: Albania, Argentina, Benin, Cabo Verde, Denmark, Djibouti, Eritrea, Estonia, Ethiopia, Greece, India, Ireland, Kenya, Lebanon, Luxembourg, Malawi, Pakistan, Peru, Philippines, Poland, Somalia, Sri Lanka, Türkiye, USA, Zambia
New or returning in 2025: Burkina Faso, Costa Rica, Côte d'Ivoire, Iran, Jordan, Qatar, Kuwait, Lesotho, Liberia, Malaysia, Mozambique, Nigeria, Togo, Vanuatu, United Arab Emirates

Participating states at the 11th session:

Algeria, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Finland, France, Gambia, Germany, Ghana, Guatemala, Honduras, Indonesia, Iran, Iraq, Italy, Japan, Jordan, Korea (Republic of), Kuwait, Lesotho, Liberia, Malaysia, Mexico, Morocco, Mozambique, Netherlands (Kingdom of the), Nigeria, Norway, Panama, Paraguay, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

The EU delegate continued to portray developments within the EU regarding corporate regulation as positive, despite the planned weakening of the CSDDD as part of the so-called Omnibus procedure. The Omnibus I Pact proposed by the EU Commission continues to offer strong protection while providing more balanced administrative requirements. Although the EU is still not officially involved in the negotiations, it is in favour of an international treaty based on the UNGPs that contains clear and realistic guidelines and ensures competitiveness, especially for small and medium-sized enterprises.

Germany and **France** both endorsed the EU statement and reaffirmed their commitment to protecting human rights in the context of business activities. The countries referred to their existing national supply chain laws. The current revision of the CSDDD or the German Supply Chain Due Diligence Act (LkSG) should relieve the burden on small businesses in particular without compromising the level of protection³. Both emphasised the central importance of the UN Guiding Principles on Business and Human Rights as the basis for a text that could be supported by a broad alliance of states. Like the EU, Germany is not actively participating in the negotiations, but has been following the process for many years through a representative from the Foreign Office.

The Gulf Cooperation Council (GCC) spoke on behalf of its six member states and called particularly for respect for national sovereignty and

existing international obligations. Furthermore, the future UN treaty should not put an additional financial burden on states.

China, which once again played an active role in the negotiations, expressed similar views. The Chinese delegation described progress in implementing the three pillars of the UNGPs. Due diligence obligations for companies are now part of the NAP. The government is also advising companies in critical industries such as mining, energy, textiles, and forestry in particular to bring their foreign investments in line with the UNGPs. More than 1,100 Chinese companies have already joined the UN Global Compact. With regard to the future agreement, China emphasised the importance of the right to development, national sovereignty, and fairness.

In its opening statement, the Colombian delegation made it clear that human rights are interconnected and indivisible. With regard to the future UN treaty, clear and legally binding rules for companies that go beyond mere due diligence obligations were needed. In particular, with regard to violent conflicts and the protection of marginalised groups, there was still room for improvement in the draft text of the agreement.

Substantive negotiations on Articles 12 to 24

Similar to the previous round of negotiations, the working group's agenda for the eleventh round was ambitious. The states continued negotiations on the individual articles, starting with Article 12 on "Mutual Legal Assistance". During the tenth round of negotiations in December 2024, they had dealt with Articles 4 to 11. The basis for the negotiations in October 2025 was the "**Updated draft (clean version)**" from July 2023. Each article of the draft was discussed in the following manner. First, states were allowed to present their positions and propose amendments to the text. The proposed amendments were **transcribed live**. Civil society organisations and business representatives were then given the opportunity to make their statements. This was followed by another opportunity for states to ask clarifying questions or make additions. In some cases, legal experts were consulted. Through this structure, the dialogue-based nature of the negotiations was maintained and the constructive exchange from 2024 successfully continued.

³ This position is not shared by [civil society organisations](#)

Discussions on Articles 12 to 24 focused primarily on international cooperation, consistency with national or international law and institutional arrangements. Particular points of contention remained whether and to what extent the UN treaty should take precedence over trade and investment agreements and how a possible follow-up and monitoring mechanism might be arranged. On the other hand, there was broad agreement on provisions for the support of vulnerable groups and the strengthening of international cooperation, even if the scope and depth of these commitments are still to be negotiated.

Article 12 – Mutual Legal Assistance

This article aims to establish how states should support each other in the event of legal proceedings. While Saudi Arabia, the United Kingdom, Japan and China wanted to link the article to existing national regulations, Palestine proposed reintroducing the list of possible mutual legal assistance from the [third draft](#). Articles 12.10, 12.11 and 12.13 of the previous text should also be reinstated in order to facilitate the cross-border enforcement of judgments. Furthermore, Brazil, Mexico, and Colombia introduced a new paragraph obliging states to designate a central authority to coordinate mutual legal assistance.

Article 13 – International Cooperation

This article is intended to regulate cooperation between the contracting states in the implementation of the UN Treaty. Japan and the United Kingdom proposed that states should not be obliged to cooperate in “good faith”, but should merely be encouraged to do so. This watering down was rejected by Palestine, Mexico, and Colombia. In addition, the financing of the proposed new fund for victims was discussed. Some civil society organisations demanded that transnational corporations should also contribute to the financing of the fund.

Article 14 – Consistency with International Law

The primacy of human rights under international law can be effectively enshrined in international jurisprudence with the aid of Article 14 of the UN Treaty. Article 14.5 stipulates that all existing agreements – including trade and investment agreements – must be interpreted and implemented in a manner that does not undermine or restrict capacity of states to fulfill their obligations under this treaty. In addition, Mexico and Cameroon, among others, demanded that this should also apply to all

new bilateral and multilateral trade and investment agreements.

In their statements, civil society organisations pointed out that giving priority to the provisions of the UN Treaty does not threaten national sovereignty. Rather, it is precisely these trade agreements and overpowered transnational corporations that, with the help of investor-state dispute settlement (ISDS) procedures, drastically limit national options for regulating social and environmental issues. This argument is also found in a [joint statement](#) by independent UN experts, which was published during the 16th UN Conference on Trade and Development (UNCTAD) in Geneva, held in parallel with the UN Treaty negotiations.

The legal experts for the UN treaty process also made it clear that the primacy of human rights over other agreements is supported by UNGP No. 9. The OECD, among others, points out that investment protection agreements must undergo fundamental reform and that ISDS procedures are not only inconsistent, but above all lead to a massive restriction of states’ scope to finance human rights and environmental protection measures.

Article 15 – Institutional Arrangements

Article 15 deals with the composition of the review committee. Colombia and other states placed high demands on the future members of the committee, particularly with regard to their independence and required knowledge of international human rights treaties.

Intense discussions broke out about the groups of people to be explicitly mentioned when discussing the international fund to be set up for victims of rights violations by companies. Colombia added people with diverse sexual orientations and gender identities to this list. This demand was supported by civil society organisations, as well as by Mexico, Uruguay, the EU, and Germany. A broad coalition of Gulf states, as well as Egypt, Cameroon, Russia, and Malaysia, opposed this addition.

Article 16 – Implementation

This article also sparked discussions about the mentioning of certain vulnerable groups. In addition to the rights of LGBTQ+ persons, the exact wording for the best possible protection of children was debated as well. Mexico criticised the term “child soldiers” as outdated and proposed instead to refer to “worst forms of child labour” – in accordance with ILO Convention 182.

Box 1: Business lobby within the UN Treaty negotiations

Whether in Germany, Europe, or at UN level, the business lobby against binding regulations to protect human rights, nature, and the climate is massive. Lobbyists warn of economic damage and competitive disadvantages and instead promote voluntary measures and positive incentives. However, reality shows very clearly that the voluntary nature of the UNGPs has only achieved marginal improvements since their introduction in 2011. The UN treaty process is also at risk due to increased corporate capture. Officially, the International Organisation of Employers (IOE), the US Council for International Business (USCIB), and the International Chamber of Commerce (ICC) are participating. In addition to their attending the annual rounds of negotiations, they take part in the inter-sessional consultations.

All three associations represent numerous, sometimes very powerful, corporations, and play a central role in shaping transnational economic relations. Some of their largest member companies are directly or indirectly involved in massive human rights violations. Corporations that, according to Friends of the Earth International and the Global Campaign, contribute significantly to the climate crisis – such as Chevron, Shell, ExxonMobil, and Total – are also members. In a [recent report](#), these organisations list specific human rights violations that have been facilitated by these corporations and explore how the associations position themselves in the negotiations. An [analysis by FAU Erlangen-Nürnberg](#) from early 2025 also sheds light on the composition of these associations and analyses their participation across the various rounds of negotiations. Both studies show that these actors are not ordinary stakeholders in the UN treaty process, but are rather pursuing an agenda incompatible with the working group's mandate in Resolution 26/9.

The increasingly aggressive attacks on the entire process highlight their massive conflict of interest – after all, the intergovernmental working group is negotiating binding rules for precisely those companies that systematically violate human rights. The associations have their own economic interests, which conflict with the objectives of the UN treaty process. Their strategy

is simple, and their criticism remains superficial and rigorous: the treaty is overly prescriptive, the scope is too far-reaching, and it is generally not aligned with the UNGPs. All articles must either be completely revised or even deleted, as they allegedly have negative economic implications. The associations' joint final statement during the eleventh session went one step further, claiming that the entire process was not legitimate, that it lacked the engagement of states, and that the positions were still too far apart, even after a decade of negotiations. The business associations threatened that if their demands were not taken more seriously, they would withdraw from the process.

These threats are not new. For years, the associations have repeatedly warned that states, which ratify the treaty, would experience setbacks in development and serious disinvestment. In doing so, they are increasingly resorting to emotional and personalised rhetoric: no treaty about businesses without businesses. This phrasing is more commonly used in the context of debates on women's and children's rights. However, the comparison is misleading and fails to recognise the fundamental division of roles between the regulator and the regulated. Women and children are bearers of human rights that must be protected, whereas companies are objects of regulation, not subjects in need of protection. The exclusion of the tobacco industry from the negotiations on the Framework Convention on Tobacco Control has shown that companies and their interest groups do not have unconditional right to access UN processes.

The participating business associations claim to represent the interests of the entire global economy. However, it is questionable to what extent this also includes small and medium-sized enterprises and companies that are more progressive in terms of human rights, environmental protection and climate action. It is precisely the more progressive companies that should have a greater say in the UN treaty process. In recent years, numerous businesses have issued [various statements](#) in favour of legal regulations on human rights and environmental due diligence in Germany and the EU.

During the negotiation of Article 16.6, a controversial discussion arose about the interpretation of the term “undue influence”. This paragraph obliges states to protect political decision-making processes from undue political influence by businesses when implementing the treaty. The Gulf states, Iran,

Algeria, and Russia called for the section to be deleted entirely. Palestine and Colombia opposed the deletion. The business representatives present criticised the sole focus of Article 16.6 on businesses. Their argument was that undue influence could come from all actors, not just companies.

Articles 17 to 24 (negotiated en bloc)

The final articles of the treaty contain the concluding provisions of the treaty and were discussed collectively. For example, Article 17 allows for the adoption of additional protocols, and Article 18 regulates the settlement of disputes between states concerning the interpretation or application of the treaty.

From a civil society perspective, Article 20 is very important. It specifies how many states must ratify the treaty before it can enter into force. Many organisations advocated setting the number at 20, as is currently common practice in the human rights system. States did not comment on this issue.

The difficult path to compromise

After completing negotiations on the individual articles of the draft treaty, the states turned their attention to the [chair’s suggested redrafting of selected provisions](#). These are based on the “non-papers” published in the course of the year and the exchanges that took place during the three intersessional consultations in 2025. The [first consultation](#) in April dealt with [Articles 4, 5, and 7](#). The [second and third consultations](#) in July dealt with [Articles 6 and 8](#) and [Articles 9 to 11](#), respectively.

As the suggested redrafting for Articles 4 to 11 promised by the Chair had only been published just under a week before the start of the negotiations, many countries reserved the right to submit written comments after the session. Civil society organisations and business associations also requested more time to conduct a comprehensive analysis of the proposals. Comments may now be submitted in writing until February 2026. However, initial feedback from countries and organisations has been positive. Many delegations, particularly from South and Central America, but also from the EU and the United Kingdom, expressed their gratitude for the drafting and described the document as useful.

The chair proposed a total of 13 new formulations for selected articles. It is unclear how the provisions discussed were selected – and why some articles are not included. However, the proposals are primarily intended to align the text and ensure consistency. For example, the individual paragraphs of Articles 4 and 5 are redrafted to better complement each other.

From a civil society perspective, the suggested redrafts are particularly welcomed in terms of strengthening the right to a clean environment, which is in line with the latest recommendations of the International Court of Justice (Art. 6.2 c). There is also a broad consensus on this among states. More precise legal liability and stronger provisions regarding improved access to remedy (Art. 7.2 and 7.3) are also an improvement. Fortunately, not only civil society organisations but also some states supported the introduction of a provision on *forum necessitatis* in paragraph 9.4 *bis*. This proposal aims to prevent a denial of justice when a victim lacks access to a competent court. The new paragraph would allow courts to assume jurisdiction over civil claims if no other competent court is available, and there is a sufficient connection with the State Party. At the same time, gaps remain, such as the lack of a provision clarifying that following due diligence obligations does not automatically absolve businesses from liability, or stronger provisions on the reversal of the burden of proof.

The business associations present rejected all of the chair’s proposals. They argued that the new wording would steer the process further in the wrong direction and was overly prescriptive and far-reaching. From the USCIB’s point of view, the inclusion of the protection of the environment is an unrealistic demand for companies, and the reversal of the burden of proof is a violation of due process rights.

Articles officially negotiated in December 2024:

Article 4	Rights of Victims
Article 5	Protection Victims
Article 6	Prevention
Article 7	Access to Remedy
Article 8	Legal Liability
Article 9	Jurisdiction
Article 10	Statute of Limitations
Article 11	Applicable Law

Roadmap for 2026 and beyond – finish line in sight?

The [roadmap for 2026](#) proposed by the chair was accepted by states without further amendments. According to this roadmap, three two-day inter-governmental consultations on the remaining, partially controversial articles – including the definitions in article 1 and the scope in article 3 – are scheduled before the next round of negotiations in October 2026.

Box 2: Provisional roadmap for 2026

- » **February 2026:**
First intersessional thematic consultation on Articles 12 to 24
- » **April 2026:**
Second intersessional thematic consultation on Articles 1, 2 and Preamble
- » **June 2026:**
Third intersessional thematic consultation on Article 3 and a general overview of the text and the way forward
- » **Mid-September:**
Publication of the summary report of the 2026 intersessional thematic consultations
- » **October 19–23, 2026:**
Twelfth meeting of the working group

As in 2025, a non-paper is to be published by the chair before each consultation to guide the discussions. Whether the consultations can actually take place as planned depends on the negotiations on the overall UN budget in the UN Economic and Social Council (ECOSOC) in December 2025. In view of the current drastic financial crisis at the UN, it is uncertain whether sufficient funds for the consultations will be allocated to the UN treaty working group. A hybrid event format would be important to enable representatives of smaller countries and civil society organisations to participate in the consultations in the context of shrinking budgets, as well as human rights defenders outside Europe.

Whether the frequent meetings of the working group will lead to a quick and successful agreement on a UN Treaty on business and human rights remains uncertain, given the current pressure on sustainability regulations in Europe and other parts of the world. There are two scenarios for the actual conclusion of the negotiations. If a consensus can be reached, the chair of the intergovernmental working group would submit the agreed upon text to the UN Human Rights Council for adoption and then to the UN General Assembly.

The second scenario would be that no compromised text can be agreed upon in the upcoming rounds of negotiations and the process therefore fails (for the time being), similar to the negotiations on a global plastic pollution treaty. In the case of the plastics agreement, however, many environmental organisations agreed that no treaty was better than a bad treaty. Similar positions are also imaginable in the UN treaty process. This year, some civil society organisations already argued that a weak treaty would only cement the status quo and should therefore not be supported.

At the end of the eleventh round of negotiations, the chair of the intergovernmental working group announced that a completely revised draft treaty would be presented after the twelfth round of negotiations in 2026 at the earliest. Whether this draft will then serve as the basis for a final vote remains to be seen. However, one thing is clear. The first year, in which additional financial resources enabled several intersessional consultations, has passed. Expectations are growing that the process will be completed within the next few years.

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