



**Comments of the NGO Centre for Health Science and Law by Zoom  
Seventh session of the open-ended intergovernmental working group on  
transnational corporations and other business enterprises with respect to human rights  
of the United Nations Human Rights Council  
October 25-29, 2021  
concerning Article 18  
(re standing of victims and human rights defenders in the settlement of state disputes)**

The Centre for Health Science and Law (CHSL) proposes that the Working Group:

**IV. Add a new paragraph to Article 18 (re standing of victims and human rights defenders in the settlement of state disputes) as follows:**

***18(4) If a dispute arises between two state parties, the parties shall offer unrestricted access to rights holders directly affected by the dispute and large and liberal access to experts and non-governmental organizations to participate in written and oral arguments, with leave of the court or tribunal where applicable, in all negotiations, including arbitrations and proceedings of the International Court of Justice. All proceedings should be as public and transparent as possible with no more secrecy than is necessary to protect the privacy and security of victims.***

**Rationale:** The entitlements of natural persons to be free from physical harm are at the heart of this Legally Binding Instrument. Victims and champions of human rights must be able to effectively participate in all relevant disputes to ensure that victims' interests are protected and not subverted to geopolitical brinkmanship. While state parties to a dispute may often facilitate participation of affected parties, there should be opportunities for civil society organizations with ECOSOC consultative status, human rights agencies, and other organizations to intervene directly, with the with leave of the court or other intermediaries. Currently, generally, only state parties and specialized institutes of the United Nations (i.e., named intergovernmental organizations) have standing to participate in proceedings of the International Court of Justice. The Binding Legal Instrument could facilitate such standing.

Bill Jeffery, BA, LLB, Executive Director  
Centre for Health Science and Law (CHSL)  
publisher of *Food for Life Report*  
[BillJeffery@HealthScienceAndLaw.ca](mailto:BillJeffery@HealthScienceAndLaw.ca)  
Mobile 1-613-565-2140  
<http://healthscienceandlaw.ca/>