

**11th Session of the
open-ended intergovernmental working group on transnational corporations and other business
enterprises with respect to human rights**

20 October - 24 October 2025

Article 13: Joint statement on behalf of ESCR Net and SLDP

. . .

Thank you Mr. Chair Rapporteur,

I speak on behalf of ESCR-Net and SLDP.

Article 13 is essential to ensuring that States cooperate to better protect human rights and guarantee corporate accountability. We support suggestions made by Palestine and Colombia to strengthen the draft Article.

Contrary to arguments advanced by business representatives - there is no basis to redraft the Article in full. Far from being redundant, this Article reflects international consensus on capacity building and cooperation, vital to closing enforcement gaps, especially for under-resourced States. Repetition signals continued relevance and general consensus, not negotiation failure.

Business representatives have also contended that they must be included in human rights governance - as per the UN Guiding Principles on Business and Human Rights. This constitutes a grave misrepresentation of the UNGPs. While businesses are expected to respect human rights and conduct due diligence in Pillar II, they are not rights-holders and do not have a role in determining the content or implementation of human rights standards. Article 13 correctly centers the obligations of States to set and implement policies of cooperation to protect human rights. **Including corporate actors in decision-making on international cooperation would undermine the victim-centred approach and risk legitimising conflicts of interest.**

On state sovereignty, Article 13.1 simply reflects the customary international law principle of *pacta sunt servanda*—that States are bound to carry out their treaty obligations in good faith. It does not grant any supranational body the power to enforce cooperation against a State's will. Moreover, the article contains no mandatory enforcement mechanism that would override national laws or compel specific actions outside the scope of mutual consent or pre-existing agreements.

Finally, we believe that Article 13.3 from the third revised draft should be reintroduced to ensure that "States Parties in a position to do so, shall provide financial, technical, or other assistance through existing multilateral, regional, bilateral, or other programmes for the purposes of realising the aims of this LBI."

Thank you.

