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**IOE-USCIB Joint Statement on article 13 of the draft LBI on BHR**

**8th Session OEIGWG**

24-28 October 2022, UN Palais, Room XX, 10:00–13:00 and 15:00-18 :00 CET

**Article 13. International cooperation**

Thank you Chair, I am speaking on behalf of both the International Organisation of Employers and the United States Council for International Business

I would like to begin by reiterating the value and importance of **including organised business in this process in a meaningful way**. The tripartite ILO standard setting process and the inclusive process that produced the UN Guiding Principles have not only shown the value of access to business expertise. Over time they have demonstrated the value of participation and the resulting consensus in giving effect to the provisions of instruments.

The term “business” encompasses a **myriad of enterprises** in a myriad of industries, operating all over the world. Some, to be sure, have proven to be bad actors — as indeed there are bad actors in every field of human endeavour. But continuing to regard all business actors in a simplistic and purely adversarial manner serves the interests of no one — neither “right holders” seeking redress nor companies seeking to do the right thing, and thereby avoid potential human rights transgressions. **Employer and Business Member Organisations, companies and the private sector at large are important actors in international cooperation,** and effective and meaningful consultation with them, as encouraged by the UNGPs, should not only be allowed, but encouraged. In that regard, we believe that **UNGPs 8, 9 and 10 should be the foundational principles** of this provision on international cooperation and should be included in full as this is a language understandable and accepted by all.

**Increased policy coherence at both the national and international levels** is another important concept missing here. Again, reference to UNGP 8 is important in this regard. **Collective action** through multilateral institutions should also be included as it can help States level the playing field with regard to business respect for human rights by raising the performance of laggards.

Capacity-building and awareness-raising through both national and international institutions can play a vital role in helping all States to fulfil their duty to protect.

However, r**aising awareness** without **effective follow-up action from States** will not make a difference on the ground**.** The fact that informality accounts for more than 60% of commercial activity around the world limits the effect of the rule of law fundamental to effective human rights protections. When not addressed by States, informality deprives those most at risk of serious harm of the basic protections afforded others — creating a double standard that should be unacceptable to all human rights champions.

Thus, international cooperation must also address **the root causes of governance deficits.** Weak institutions and poor rule of law are breeding ground for human rights deficits.

Thank you.