

**11th session of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights**

**ORAL STATEMENT ON ARTICLE 14 BY TROCAIRE ET AL.**

**20 October 2025**

Thank you, Mr. Chair-Rapporteur.

I speak on behalf of Trócaire, CIDSE, el Consejo de Pueblo Maya (CPO), la Asociación Comisión Paz y Ecología (COPAE) and the Xinka Parliament of Guatemala.

We consider it essential that Article 14 reaffirms in clear terms the primacy of international human rights law over economic activities, agreements and legislation on trade and investment.

We have heard in yesterday's and today's discussions that States have been repetitive in their respect for sovereignty and internal jurisdiction, for example when they ask for qualifiers such as "in accordance with national laws" to be considered. However, when it comes to disputes involving transnational corporations, they are submitted to international arbitration (making it clear that corporate power is above domestic law and human rights).

In Guatemala, indigenous peoples face significant limitations and obstacles in accessing justice, and when it comes to violations of our human rights, corporate rights and interests take precedence, even violating our domestic legislation. It is common to see how, when faced with sanctions or suspension of operations for human rights violations, transnational companies resort to international arbitration to coerce the state into allowing them to continue operating despite the violations or to obtain substantial financial compensation.

Therefore, we believe it is extremely important that Article 14 recognises and reaffirms the primacy of human rights.

More specifically, we recommend that Article 14.5 be adapted to ensure that all existing bilateral or multilateral agreements on matters relevant to this legally binding instrument and its protocols, including trade and investment agreements, will be reviewed, adapted and applied in accordance with their obligations under this instrument and its protocols; and that all new bilateral or multilateral trade and investment agreements shall be consistent with the human rights obligations of States Parties under this legally binding instrument and its protocols, as well as other relevant human rights conventions and instruments.

Thank you.

Delivered by Quélvin Jiménez Villalta.