

Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

Compilation of the outcomes of the friends of the Chair intersessional consultations, in line with the [note verbale of 2 March 2023](#)

Contents

- Azerbaijan
- France/Portugal
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¹ There were no intersessional consultations convened by Cameroon, hence no outcomes shared.



Ref: 0279/27/23/27

Geneva, 29 May 2023

H.E. Mr. Cristian Espinosa Cañizares
Permanent Representative of Ecuador to the United Nations in Geneva
Chair-Rapporteur of the OEIGWG on TNCs and OBEs
Geneva

Excellency,

I am addressing You in your capacity as the Chair-Rapporteur of the Open Ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises.

In response to your letter dated 24 March 2023, I wish to inform you that Azerbaijan being one of the members of the Group of Friends of the Chair-Rapporteur, in line with your suggestion made to the Group of Friends and with a view to advance work on the draft legally binding instrument, has convened and led intersessional consultations within the Eastern European Group to which my country belongs. As an outcome of the consultations held on 25 and 26 April 2023, I would like to convey to your attention the attached informal summary of discussions.

I believe the summary presented to you although not bearing much of substantial position by states, will be helpful in your next arrangements with a view to updating and consolidating in a single text the draft legally binding instrument.

Azerbaijan as a friend of the Chair stands ready to assist you in your further deliberation aiming to move forward the process of legally-binding instrument on transnational corporations and other business enterprises.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,

Ambassador Galib Israfilov
Permanent Representative

Summary of the regional consultation convened within the group of Eastern European States on the draft Legally Binding Instrument on Transnational Corporation and other Business Enterprises

1. Azerbaijan as a member of the Group of Friends the Chair-Rapporteur of the Open Ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises, convened regional intersessional consultations on the draft Legally Binding Instrument on Transnational Corporation and other Business Enterprises, on 25-26 April 2023.
2. Two separate meetings, as was recommended by the Chair-Rapporteur, were organized with the assistance of Albania, the coordinator of the EEG group. The first meeting of 25 April suggested to focus on Articles 1-7, while the second meeting of 26 April was announced to be dedicated to Articles 8-14 of the draft legally binding instrument.
3. The first meeting held of 25 April was attended by 3 members of the EEG group, namely Albania, Armenia, Poland and Russia. Azerbaijan as a member of the Group of Friends made an introductory remark giving background information, as well as presenting the purpose of the meeting.
4. General comment was made by the delegation of Russia, informing that they need more time to prepare their intervention on the subject matter and expressed their hope for constructive participation. No intervention was made by other states with regard to the Articles under the consideration.
5. The second meeting of 26 April was attended by Armenia, Georgia, Lithuania, Poland and Russia. General comments were made by the representatives of Poland and Lithuania stating that the current draft text of the legally binding instrument is under review and discussion within the European Union to which their countries belong. Therefore, their countries are not in a position to provide any substantive views on the text, however this in no way can be understood as its endorsement by their delegations.
6. The representative of Russia confirmed her country's suggestions to the draft text made in previous sessions of the Working Group, and stated that they remain relevant. She has also reminded that her delegation has already sent comments on the revised text to Secretariat in response to the Note Verbale of 2 March 2023 circulated by the OHCHR to all stakeholders. She informed that her country's comments contain proposals of general nature and some specific ones. Expressed her hope that the comments by Russia will be considered by the Chair-Rapporteur.
7. Further on, no delegation expressed its willingness to comment on the Articles of the draft text.
8. The delegation of Lithuania asked to clarify on whether the same kind of consultations are being held within other regional groups and what will be the expected outcome these discussions.
9. In this connection, the representative of Azerbaijan informed that some of the regional groups have already started their preparation for having regional consultations of the same nature. As for the outcomes, it was clarified that the outcomes of these meetings, along with the concrete textual proposals and comments submitted by States during the eighth session, will be used by the Chair-Rapporteur to update and consolidate in a single text the draft legally binding instrument, and circulate it by the end of July 2023.
10. In the view of the fact that no state expressed their willingness to present comments on the Articles of the draft text, the moderator announced the closure of the meeting.



**REPRÉSENTATION PERMANENTE
DE LA FRANCE AUPRÈS DE
L'OFFICE DES NATIONS UNIES
À GENÈVE ET DES
ORGANISATIONS INTERNATIONALES
EN SUISSE**

*Liberté
Égalité
Fraternité*

BD/cda/2023- 0326743

La Mission Permanente de la France auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse présente ses compliments à la Mission Permanente de la République de l'Equateur et a l'honneur de lui faire parvenir ci-joint, au nom des Missions Permanentes de la France et du Portugal, le projet de rapport du Président-Rapporteur établi suite aux consultations informelles du WEOG relatives à l'élaboration d'un instrument juridiquement contraignant sur les obligations des sociétés transnationales et autres entreprises en matière de droits de l'homme.

La Mission Permanente de la France auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse saisit cette occasion pour renouveler à la Mission Permanente de la République de l'Equateur auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse les assurances de sa haute considération./.



Genève, le 24 juillet 2023

Mission Permanente de la République de l'Equateur
Chemin Camille-Vidart 15
1202 GENEVE

Draft report for the Chair-rapporteur : WEOG informal consultations on the elaboration of a legally binding instrument on the Human Rights obligations of transnational companies and other business enterprises.

Co-chaired by France and Portugal, the consultations within the Western European and Others Group (WEOG) were marked by a fairly good level of participation (European Union, Germany, Belgium, Spain, Netherlands, Sweden, Ireland, Luxembourg, Finland, United States, United Kingdom, Canada, Turkey, Switzerland, Israel and Liechtenstein, of which only eight intervened) and a constructive and positive atmosphere.

No country expressed strong opposition to the process, even though some reiterated their preference for less binding approaches or approaches based on voluntary commitments.

Overall, delegations felt that the current draft treaty, while containing some positive elements, was still too "prescriptive" with a level of detail that did not take sufficient account of the diversity of the stakeholders ("one size fits all") involved and could be a factor of legal uncertainty. Delegations stressed that the UN Guiding Principles on Business and Human Rights remained the main reference on this subject.

In terms of substance, the comments highlighted some common concerns: the need for a broad scope of application covering all companies (and not just transnational companies), as well as state-owned enterprises; the need for a clearer text on certain aspects (access to justice, reparations, etc.) that can be adequately implemented by national Courts; the necessity to rely more on the companies themselves, as well as on recognized experts, to ensure that the text is realistic and applicable.

Several countries welcomed the « Chair proposals on selected articles » presented during the 8th session. These proposals were generally seen as taking better into account the concerns of the WEOG countries. However, they also added a layer of the complexity to the process, as the States had to adopt positions on two parallel texts during the last session.

Besides their substantive concerns, delegations felt that the process was still highly polarized. Some delegations recalled that the current divisions stemmed in part from differences in interpretation and the non-consensual nature (adopted by a vote) of Human Rights Council resolution 26/9 (July 2014), which set up the Intergovernmental Working Group. The question of the opportunity of a new Human Rights Council resolution, in order to give the Working Group a clearer and more consensual mandate, was also raised.

Some delegations also recalled the limits to their participation arising from the absence of a formal negotiating mandate, but expressed their wish to contribute positively to the next session.

Finally, several delegations expressed interest for the organization of intersessional consultations that would involve companies and academic experts, in order to better prepare the annual sessions of the Working Group. They suggested that such consultations could remain relatively informal to promote higher engagement from States, especially those that currently have limited negotiation mandates.



PERMANENT MISSION OF THE
REPUBLIC OF INDONESIA TO THE UNITED NATIONS
WORLD TRADE ORGANIZATION (WTO)
AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No.: 105/POL-II/VII/2023

The Permanent Mission of the Republic of Indonesia to the United Nations, the World Trade Organization, and Other International Organizations in Geneva presents its compliments to the Permanent Mission of the Republic of Ecuador to the United Nations and Other International Organizations in Geneva, and has the honor to inform the latter that the former has convened and chaired a regional intersessional consultation among the Member States of the Asia-Pacific Group (APG) to advance work on the draft legally binding instrument (LBI) on Transnational Corporations and Other Business Enterprises with respect to Human Rights (TNCs and OBEs) on 9 June 2023 at the Palais des Nations.

In that regard, the Permanent Mission has further the honor to convey as enclosed the Chair's Report of the above-mentioned regional intersessional consultation for the consideration of the Chair-Rapporteur of the open-ended intergovernmental working group (OEIGWG) on TNCs and OBEs.

The Permanent Mission of the Republic of Indonesia to the United Nations, the World Trade Organization, and Other International Organizations in Geneva, avails itself of this opportunity to renew to the Permanent Mission of the Republic of Ecuador to the United Nations and Other International Organizations in Geneva the assurances of its highest consideration.

Geneva, 20 July 2023



**Permanent Mission of the Republic of Ecuador
to the United Nations and Other International Organizations
GENEVA**

Chair's Report of the Asia-Pacific Group Intersessional Regional Consultation to advance work on the Draft Legally-Binding Instrument (LBI) on Transnational Corporations and Other Business Enterprises with respect to Human Rights (TNCs and OBEs)

Geneva, 9 June 2023

1. The Asia-Pacific Group (APG) Intersessional Regional Consultation to advance work on the Draft Legally-Binding Instrument (LBI) on Transnational Corporations and Other Business Enterprises with respect to Human Rights (TNCs and OBEs) was convened in-person on 9 June 2023 at Palais des Nations, Geneva.
2. The consultation was chaired by the Delegation of Indonesia as the Friend of Chair-Rapporteur of the open-ended intergovernmental working group on TNCs and OBEs (OEIGWG on TNCs and OBEs) from the APG.
3. The Delegations from China, India, Iran, Malaysia, Maldives, Palestine, Philippines, Saudi Arabia and Thailand attended the consultation.
4. The consultation was conducted to include 2 (two) sessions focusing on:
 - a. Session I: Articles 1-7 on on the basis of the third revised draft as well as Articles 6-7 of the Suggested Chair Proposals; and
 - b. Session II: Articles 8-14 on the basis of the third revised draft as well as Articles 8-13 of the Suggested Chair Proposals.
5. In the Opening Remarks, Chair explained the objectives of the regional consultation as follows:
 - a. Collecting regional inputs with a view to finding common ground on the substance of the draft LBI.
 - b. The outcomes of the regional consultations in all regional groups will be used by the Chair-Rapporteur to update and consolidate in a single text of the draft LBI to be circulated to all stakeholders by the end of July 2023, along with the concrete textual proposals and comments submitted by States during the 8th session of the OEIGWG on TNCs and OBEs.
 - c. The consultation will also serve to address the concerns of some States with regard to the lack of constructive engagement by States and the need to ensure greater participation and support from States from all regions.
6. The consultation was divided into two parts: (1) General Comment and (2) Discussion on Article 1-14 of the draft LBI and Articles 6-13 of the Suggested Chair Proposals.

7. During the deliberation, 3 (three) Delegations conveyed their views and concerns with the salient points as follows:

a. Palestine

- The Delegation stressed that the scope of LBI should be focused on transnational corporations.
- The Delegation expected that the Chair-Rapporteur's proposal be incorporated into the draft text LBI. However, since the Chair-Rapporteur's proposal remains a stand-alone document, Palestine will provide its inputs to the Chair's proposal accordingly.
- The Delegation highly hoped that an intersessional consultation be held with the participation of all Member States across the regions to negotiate the draft LBI, taking into account that the OEIGWG on TNCs and OBEs is only convened once a year.
- The Delegation also expected that the Chair-Rapporteur could convene an intersessional consultation with the participation of all Member States before the 9th Session of the OEIGWG on TNCs and OBEs

b. China

- The Delegation stressed that the scope of LBI should be focused on transnational corporations and business entities with transnational characters, in accordance with the mandate provided by the relevant resolution of the Human Rights Council.
- The Delegation underscored the importance of respecting state's jurisdiction and the right to development in developing the draft LBI.

c. Indonesia

- The Delegation highlighted its preference that the scope of LBI should be focused on transnational corporations and business entities with transnational characters, while rejecting the incorporation of micro, small and medium enterprises.

8. With the absence of inputs from States for Articles 1-14, Chair invited the delegations to provide their written inputs until 21 June 2023 in order to give sufficient time for the Chair-Rapporteur of the OEIGWG on TNCs and OBEs to prepare the newly-consolidated text of the draft LBI to all stakeholders by the end of July 2023.

Note: Up to the date this report is circulated, the Permanent Mission of the Republic of Indonesia has not received any written inputs.

9. In the Closing Remarks, Chair appreciated the attendance, participation and support of the Delegations during the Consultation.



MISION PERMANENTE DEL URUGUAY
ANTE LAS NACIONES UNIDAS Y OTRAS ORGANIZACIONES
INTERNACIONALES CON SEDE EN GINEBRA

Ginebra, 28 de junio de 2023

Estimado Embajador,

De acuerdo a lo solicitado por su Nota Verbal del 2 de marzo de 2023, Uruguay, en su calidad de amigo de la Presidencia, convocó a dos reuniones del GRULAC, que se llevaron a cabo los días 11 de abril y 9 de junio pasados, relacionadas con el tema Empresas Transnacionales y otras Empresas y los Derechos Humanos

Al respecto, tengo el agrado de adjuntarle el resumen del intercambio mantenido con los participantes sobre el articulado del borrador actual del instrumento en curso de negociación. Debo indicar que los mismos en ambas ocasiones provenían en su totalidad de países hispano-parlantes, por lo cual los diálogos se condujeron en idioma español.

Sin embargo, a efectos de asegurar la transparencia del proceso se realizó una traducción básica al inglés que fue transmitida días atrás a todas las misiones permanentes del GRULAC.

Lo saluda con aprecio,


ALVARO MOERZINGER
AMBASSADEUR
REPRESENTANT
PERMANENT



Grupo de Trabajo Intergubernamental de composición abierta sobre las empresas transnacionales y otras empresas con respecto a los derechos humanos.

RESULTADOS DE LAS REUNIONES INTERSESIONALES DEL GRUPO REGIONAL DE AMERICA LATINA Y EL CARIBE

Como solicitado por el Presidente Relator del Grupo de trabajo intergubernamental de composición abierta sobre las empresas transnacionales y otras empresas con respecto a los derechos humanos (GT) en su nota verbal del 2 de marzo de 2023 a los Amigos de la Presidencia, los días 11 de abril y 9 de junio de 2023, se realizaron dos reuniones del Grupo de Latino América y el Caribe (GRULAC) para analizar el articulado del proyecto de instrumento jurídicamente vinculante, concretamente su tercera versión revisada (A/HRC/52/41/Add.1) y los aportes del Presidente-Relator.

Las reuniones fueron convocadas por Uruguay en su calidad de país Amigo de la Presidencia y contaron con el apoyo de la Secretaría del Grupo de Trabajo.

En la primera reunión participaron delegados de Chile, Colombia, México, Panamá, Paraguay y Uruguay, mientras en la segunda sesión lo hicieron Argentina, Bolivia, Brasil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, México, Panamá, Perú, Rep. Dominicana y Uruguay.

En las discusiones preliminares al análisis del articulado, las delegaciones, en general, indicaron no tener nuevos aportes a los ya realizados durante las sesiones del Grupo de Trabajo, en particular durante la 7ª y 8ª, que se encuentran reflejadas en el documento <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/008/93/PDF/G2300893.pdf?OpenElement>. Sin perjuicio de esto, las delegaciones coincidieron en que presentar un texto depurado y disponible en los idiomas oficiales de ONU facilitaría el trabajo durante la próxima sesión del GT.

Comentarios generales sobre el proceso de negociación

- Las delegaciones manifestaron su disconformidad con la no existencia de un texto en español sobre el cual trabajar.
- Sugirieron que el Presidente-Relator del GT mantenga conversaciones informales con organizaciones de la sociedad civil previo a la próxima sesión a efectos de evitar la recurrencia de situaciones como las ocurridas durante la 8ª sesión.
- Manifestaron la necesidad de que la Presidencia del GT cuente con la asesoría necesaria para poder responder consultas con base legal.
- Existió un amplio acuerdo en considerar la posibilidad de concentrar la próxima sesión del GT en artículos concretos -sean los que existe una base de acuerdo o aquellos con mayor dificultad- en contraposición a considerar todo el

articulado. Se sugirió que el Grupo de Amigos de la Presidencia facilite este proceso durante la sesión.

Sumario de comentarios a los artículos 1 a 14 del borrador de instrumento

Artículo 1

- Se coincidió en la necesidad de diferenciar y utilizar correctamente a lo largo del texto los términos abuso y violación, refiriendo a empresas y Estados, respectivamente.
- Varias delegaciones manifestaron preferencia por mantener las definiciones de víctima, abuso y actividades comerciales presentadas originalmente en el tercer borrador de instrumento vinculante, indicando que se trata de una base aceptable que se vio socavada en las últimas dos sesiones del GT (1.1, 1.2 y 1.3).
- Existió una propuesta de sustituir “internationally agreed human rights” por “full enjoyment of their human rights and fundamental freedoms” (1.2) e incluir “cadena de valor” (1.5).

Artículo 2

- Se reiteraron posiciones manifestadas durante la 8ª sesión en relación con las propuestas originales de los párrafos 2.1.a, 2.1.b y 2.1.c.
- Existió acuerdo en utilizar el término “responsibilities” en lugar de “obligaciones” (2.1.c) y una propuesta de adecuar el lenguaje referido a “gender-responsive, child-sensitive and victim-centered access to justice” como utilizado durante la 52ª del Consejo de Derechos Humanos (2.1.d).
- Varios países indicaron preferencia por utilizar el término “reparation” en lugar de “remedy” (art. 2.1.e), en el entendido de que es tal palabra la utilizada en el derecho internacional de los derechos humanos.
- Algunas delegaciones manifestaron considerar eliminar el párrafo 2.1.e, en la medida en que no es este el propósito del instrumento.

Artículo 3

- Existió coincidencia en la necesidad de definir claramente cuál es el alcance del documento. Para esto, se sugirió la posibilidad de consultar a expertos en áreas concretas del derecho internacional que permitan mejor ilustrar y alcanzar una definición correcta que considere las distintas legislaciones nacionales.
- Se sugirió eliminar la lista incluida en el párrafo 3 y sustituir “all internationally recognized” por “including but not limited to”.

Artículo 4

En general, las delegaciones reafirmaron las preferencias manifestadas durante las últimas dos sesiones del GT:

- Mantener el título original del artículo.
- Párrafo 4.1, preferencia por propuesta original o la propuesta alternativa presentada por Ecuador y Palestina.
- Párrafos 4.2, 4.2.a y 4.2.f, preferencia por mantener propuestas originales.
- Párrafos 4.2.c y 4.2.e. Algunas delegaciones manifestaron la necesidad de actualizar la terminología en concordancia con lo indicado en el artículo 2.1.d.
- Párrafo 4.2.d. En general, las delegaciones expresaron preferencia por la propuesta original y/o la realizada por Namibia.
- Párrafo 4.3. Se rechazó la propuesta 4.3.bis.

Artículo 5

- Varias delegaciones coincidieron en eliminar el artículo e incluir su contenido en los artículos 4 y 6.
- Se coincidió en que el texto requiere además modificaciones de redacción y ajuste de términos.

Artículo 6

- Se reiteraron comentarios realizados durante la 8ª sesión al tiempo que se coincidió en la necesidad de mantener una consulta abierta y concreta sobre este artículo.

Artículo 7

- Existen posiciones diversas sobre el artículo y propuestas concretas sobre la base del 3º borrador revisado.
- Varias delegaciones manifestaron no poder acompañar propuesta 7.1.bis.

Artículo 8

- La existencia o no de responsabilidad penal para las personas jurídicas en las legislaciones nacionales y, en consecuencia, la inclusión de estos elementos en el proyecto de artículo es el elemento central de discusión.
- Las delegaciones señalaron sus preferencias por las propuestas realizadas, en algunos casos propusieron lenguaje alternativo y en otros, sugerencias de borrar o cambiar la redacción propuesta.
- Se trata de un artículo sobre el cual podría hacerse buen uso del asesoramiento de expertos.

Artículo 9

- Al igual que en el caso anterior, se coincidió en que el artículo es muy ambicioso y resulta necesario ajustarlo con mayor precisión, para lo cual el asesoramiento de expertos sería recomendable.

Artículo 10

- Las delegaciones coincidieron en apoyar la propuesta de texto realizada por el Presidente-Relator del GT.
- Una delegación manifestó su interés en agregar a la propuesta del Presidente-Relator, “daños irreversibles”.

Artículo 11

- Algunas delegaciones indicaron su preferencia por borrar el artículo, al tiempo que otras insistieron en mantenerlo y, dentro de este grupo, propuestas de eliminar el párrafo 11.2.

Artículo 12

- Las delegaciones coincidieron en que se trata de un artículo extenso en demasía. La propuesta concreta de algunas delegaciones fue mantener los párrafos 12.1 y 12.2 del 3º borrador revisado y borrar el resto de los párrafos.

Artículo 13

- No hubo mayores comentarios al texto. Una delegación manifestó preferencia por borrar los puntos (a) a (e).
- En consideración del párrafo 13.2.e, algunas delegaciones recordaron su preferencia por no crear un Fondo Fiduciario (artículo 15).

Artículo 14

- Las posiciones sobre este artículo fueron divergentes. Mientras algunas delegaciones prefieren borrarlo en su totalidad, otras manifestaron preferencias por mantenerlo con distintas modificaciones.
- Se coincidió en la necesidad de recurrir al asesoramiento de expertos para tratar el párrafo 14.5.

(Courtesy translation)

**Open-ended Intergovernmental Working Group on Transnational Corporations
and Other Business Enterprises with respect to Human Rights.**

**RESULTS OF THE INTER-SESSIONAL MEETINGS OF THE REGIONAL GROUP OF
LATIN AMERICA AND THE CARIBBEAN**

As requested by the Chair-Rapporteur of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to Human Rights (WG) in his note verbale of March 2, 2023 to the Friends of the Chair, on April 11 and June 9, 2023, two meetings of the Latin American and Caribbean Group (GRULAC) were held to analyze the articles of the draft legally binding instrument, specifically its third revised version (A/HRC/52/41/Add.1) and the contributions of the Chair-Rapporteur.

The meetings were convened by Uruguay in its capacity as a Friend of the Chair and were supported by the Secretariat of the Working Group.

Delegates from Chile, Colombia, Mexico, Panama, Paraguay and Uruguay participated in the first meeting, while Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru and Uruguay participated in the second session.

In the discussions preliminary to the analysis of the articles, the delegations, in general, indicated that they had no new contributions to those already made during the sessions of the Working Group, particularly during the 7th and 8th sessions, which are reflected in the document <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/008/93/PDF/G2300893.pdf?OpenElement>.

Notwithstanding this, the delegations agreed that presenting a refined text available in the official UN languages would facilitate the work during the next session of the WG.

General comments on the negotiation process

- The delegations expressed their disagreement with the lack of a text in Spanish on which to work.
- They suggested that the Chair-Rapporteur of the WG hold informal conversations with civil society organizations prior to the next session to avoid the recurrence of situations such as those that occurred during the 8th session.

- They expressed the need for the WG Chair to have the necessary advice to be able to respond to legally based consultations.
- There was broad agreement to consider the possibility of concentrating the next session of the WG on specific articles -whether those on which there is a basis for agreement or those with greater difficulty- as opposed to considering all the articles. It was suggested that the Friends of the Chair Group facilitate this process during the session.

Summary of comments on articles 1 to 14 of the draft instrument

Article 1

- There was agreement on the need to differentiate and correctly use throughout the text the terms abuse and violation, referring to companies and States, respectively.
- Several delegations expressed a preference for maintaining the definitions of victim, abuse and commercial activities originally presented in the third draft of the binding instrument, indicating that this is an acceptable basis that was undermined in the last two sessions of the WG (1.1, 1.2 and 1.3).
- There was a proposal to replace "internationally agreed human rights" with "full enjoyment of their human rights and fundamental freedoms" (1.2) and to include "value chain" (1.5).

Article 2

- Positions expressed during the 8th session were reiterated in relation to the original proposals in paragraphs 2.1.a, 2.1.b and 2.1.c.
- There was agreement to use the term "responsibilities" instead of "obligations" (2.1.c) and a proposal to adapt the language referring to "gender-responsive, child-sensitive and victim-centered access to justice" as used during the 52nd session of the Human Rights Council (2.1.d).
- Several countries indicated a preference for using the term "reparation" instead of "remedy" (Art. 2.1.e), on the understanding that this is the word used in international human rights law.
- Some delegations stated that they would consider deleting paragraph 2.1.e, since this is not the purpose of the instrument.

Article 3

- There was agreement on the need to clearly define the scope of the document. To this end, it was suggested that experts in specific areas of international law be consulted to better illustrate and reach a correct definition that takes into account the different national legislations.

- It was suggested that the list included in paragraph 3 be deleted and that "all internationally recognized" be replaced by "including but not limited to".

Article 4

In general, the delegations reaffirmed the preferences expressed during the last two sessions of the WG:

- Maintain the original title of the article.

- Paragraph 4.1, preference for original proposal or the alternative proposal presented by Ecuador and Palestine.

- Paragraphs 4.2, 4.2.a and 4.2.f, preference for maintaining the original proposals.

- Paragraphs 4.2.c and 4.2.e. Some delegations expressed the need to update the terminology in accordance with what is indicated in article 2.1.d.

- Paragraph 4.2.d. In general, the delegations expressed a preference for the original proposal and/or the proposal made by Namibia.

- Paragraph 4.3. Proposal 4.3.bis was rejected.

Article 5

- Several delegations agreed to delete the article and include its contents in articles 4 and 6.

- It was agreed that the text also required drafting modifications and adjustment of terms.

Article 6

- Comments made during the 8th session were reiterated and there was agreement on the need to maintain an open and concrete consultation on this article.

Article 7

- There are different positions on the article and concrete proposals based on the 3rd revised draft.

- Several delegations expressed their inability to support proposal 7.1.bis.

Article 8

- The existence or not of criminal liability for legal persons in national legislation and, consequently, the inclusion of these elements in the draft article is the central element of discussion.
- The delegations indicated their preferences for the proposals made, in some cases proposing alternative language and in others, suggestions to delete or change the proposed wording.
- This is an article on which good use could be made of expert advice.

Article 9

- As in the previous case, it was agreed that the article is very ambitious and needs to be adjusted with greater precision, for which expert advice would be advisable.

Article 10

- The delegations agreed to support the text proposed by the Chair-Rapporteur of the WG.
- One delegation expressed interest in adding "irreversible damage" to the proposal of the Chair-Rapporteur.

Article 11

- Some delegations indicated their preference for deleting the article, while others insisted on maintaining it and, within this group, proposals to delete paragraph 11.2.

Article 12

- The delegations agreed that this article is too long. The specific proposal of some delegations was to maintain paragraphs 12.1 and 12.2 of the 3rd revised draft and delete the rest of the paragraphs.

Article 13

- There were no major comments on the text. One delegation expressed a preference for deleting items (a) through (e).
- In considering paragraph 13.2.e, some delegations recalled their preference for not creating a Trust Fund (article 15).

Article 14

- Positions in this article were divergent. While some delegations preferred to delete it in its entirety, others expressed a preference for maintaining it with various modifications.
- There was agreement on the need to seek expert advice in paragraph 14.5.