**United States’ Interventions on the 3rd Draft Rev. Text**

**Article 5 Protection of Victims**

In Article 5, the United States understands the importance of including provisions on preventing reprisals in this article. Protecting and supporting human rights defenders is a key priority of U.S. foreign policy. Human rights defenders - including those engaging on worker rights and the environment - face increasing retaliation, threats, and violence for their work in holding their governments and private sector actors accountable to respect human rights. We have concerns about the ability of the United States to implement certain aspects of 5.1, 5.2, and 5.3 without these provisions being subject to or consistent with domestic legal and judicial systems. For example, 5.1 may raise concerns under the confrontation clause of the Sixth Amendment of the US Constitution. We look forward to considering the issue further intersessionally before next year’s negotiating session.

**Article 14 Consistency with International Law principles and instruments**

The United States opposes adding the proposed language, and instead recommends reverting to language that has been agreed in other UN contexts. Thus, **“the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States”** should be replaced with **“the principles of sovereignty and territorial integrity.”**

Article 14.5 purports to obligate States to reinterpret all previously negotiated international agreements relevant to the LBI and implement them in a a manner consistent with the LBI, irrespective of the intent and interpretations of the negotiators at the time those prior agreements entered into force. Such a provision would be challenging for States to implement and potentially time- and resource-intensive. Moreover, to the extent that not all parties to the prior agreements may be party to the LBI, reinterpretation could be impossible to achieve. Any potential conflicts between the LBI and relevant provisions of other agreements, either existing or yet to be negotiated, would be addressed by interpreting the agreements in accordance with Article 30 of the Vienna Convention on the Law of Treaties, as stated in paragraph 14.4 above.