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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

## **Report on the eighth session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights\***

*Chair-Rapporteur:* Emilio Rafael Izquierdo Miño

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\* The annex to the present report is reproduced in the language of submission only.



## I. Introduction

1. The open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights was established by the Human Rights Council in its resolution 26/9 of 26 June 2014 and mandated to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises with respect to human rights.

2. The working group's eighth session, which took place from 24 to 28 October 2022,<sup>1</sup> opened with a statement from the United Nations High Commissioner for Human Rights. The High Commissioner noted that the report of the Secretary-General entitled "Our Common Agenda"<sup>2</sup> made clear that solutions to global challenges required an inclusive network and effective multilateralism, with the private sector being a key piece of the architecture. He emphasized that those States and companies that adhered to the sustainable development agenda and human rights standards tended to demonstrate greater resilience during crises, such as the coronavirus disease (COVID-19) pandemic. Further, he highlighted the important role of civil society, and human rights and environmental defenders in particular, in bringing attention to a range of issues that often escaped attention, such as climate change and environmental issues, labour issues, business practices in fragile settings, and corruption. The High Commissioner had observed barriers that communities had faced when seeking justice in cases of human rights abuse by business, such as a lack of accessible complaints mechanisms, a lack of clear laws requiring responsible business practices, and threats of retaliation. The working group's session was a recognition – among States, civil society and business – that clearer legal requirements were needed, including to improve government accountability for ensuring that human rights were respected by business enterprises. The High Commissioner recalled the importance of the Guiding Principles on Business and Human Rights in seeking to address business and human rights challenges, highlighting that the Guiding Principles called for States to consider a smart mix of measures – national and international, mandatory and voluntary – to foster business respect for human rights. In that respect, the High Commissioner recognized the trend towards a "hardening" of legal frameworks in the field of business and human rights at the national and regional levels. He also recognized that the working group's efforts were complementary to the Guiding Principles and fit within the smart mix of measures called for. He reiterated that his office welcomed any meaningful, normative developments that would strengthen human rights protection in the context of business activities, and thus appealed to everyone, in particular States across all regions, to engage constructively to help build consensus and a common approach.

## II. Organization of the session

### A. Election of the Chair-Rapporteur

3. The Permanent Representative of Ecuador, Emilio Rafael Izquierdo Miño, was elected Chair-Rapporteur by acclamation following his nomination, on behalf of the Group of Latin American and Caribbean States, by the delegation of Peru.

### B. Attendance

4. The list of participants is contained in the annex to the present report.

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<sup>1</sup> Despite the lifting of most measures to combat the spread of coronavirus disease (COVID-19), the eighth session took place in a hybrid format to accommodate those who were not able to participate in person. Information about the modalities of the session is available at [www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/session8](http://www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/session8). Webcasts of the meetings of the session in all United Nations official languages are available at <https://media.un.org/en/webtv/>.

<sup>2</sup> [A/75/982](https://www.un.org/development/desa/en/publications/our-common-agenda/).

## C. Documentation

5. The working group had before it the following documents:<sup>3</sup>
  - (a) Human Rights Council resolution 26/9;
  - (b) The provisional agenda of the working group;<sup>4</sup>
  - (c) The Chair-Rapporteur's third revised draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, together with the concrete textual suggestions made by States during the seventh session;<sup>5</sup>
  - (d) The conference room paper containing the Chair-Rapporteur's suggested proposals for select articles of the legally binding instrument;
  - (e) The programme of work;
  - (f) Other relevant documents.

## D. Adoption of the agenda and programme of work

6. The Chair-Rapporteur presented the draft programme of work and proposed modalities for the session, information on which had been circulated to States through a technical note issued on 13 October 2022.<sup>6</sup> He noted that work under agenda item 4 would begin with general statements by States and non-State stakeholders, followed by a round-table panel discussion. Once the discussion had concluded, intergovernmental negotiations would begin based on the third revised draft text of the legally binding instrument, together with the concrete textual suggestions made by States during the seventh session, as well as the Chair-Rapporteur's suggested proposals for articles 6 to 13 of the legally binding instrument ("informal contributions") circulated earlier that month. The Chair-Rapporteur explained that for each segment he would offer a brief introduction of the article or articles to be discussed, and then States would be invited to make textual proposals, making it clear whether their proposals regarded the third revised draft or, alternatively, the informal contributions circulated by the Chair-Rapporteur. Textual proposals on either document would be captured in real time on the projected screen. Following State interventions for each segment, civil society and other stakeholders would be invited to comment on the article or articles and make textual proposals, which would be noted by the Chair-Rapporteur. After negotiations concluded on articles 6 to 13 and the remaining articles, the working group would move to agenda item 5 for the adoption of the report ad referendum.

7. The Chair-Rapporteur then invited comments and proposals from State delegations on the proposed programme of work and modalities for the session. As there were no comments by States, the programme of work was adopted.

## III. Opening statements

### A. General statement and introductory remarks by the Chair-Rapporteur

8. In his opening statement, the Chair-Rapporteur thanked the High Commissioner for his opening statement, States for their continued support and trust, and all participants for their efforts to advance the work of the working group in filling a gap in the field of

<sup>3</sup> All of the documents were made available to the working group on its website ([www.ohchr.org/en/hrbodies/hrc/wg-trans-corp/session8](http://www.ohchr.org/en/hrbodies/hrc/wg-trans-corp/session8)).

<sup>4</sup> [A/HRC/WG.16/8/1](http://www.ohchr.org/en/hrbodies/hrc/wg-trans-corp/session8).

<sup>5</sup> [A/HRC/49/65/Add.1](http://www.ohchr.org/en/hrbodies/hrc/wg-trans-corp/session8).

<sup>6</sup> The technical note included proposed rules governing interventions for the eighth session and referred to the two documents to be developed in real time during the session. Available at [www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/wgtranscorp/session8/2022-10-13/igwg-8th-technical-note-on-organization.pdf](http://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/wgtranscorp/session8/2022-10-13/igwg-8th-technical-note-on-organization.pdf).

international human rights law. He recalled the history of the working group, in particular the seven sessions held since the adoption of Human Rights Council resolution 26/9, and the successive drafts of the legally binding instrument presented over the years, which had been based on contributions from States, experts, civil society and other stakeholders through various channels. The Chair-Rapporteur shared his efforts to advance the work of the instrument through the friends of the Chair mechanism during the past year. As it was not possible to confirm the participation of a representative from one regional group, and given that the third revised draft of the instrument was the last draft by the Chair-Rapporteur, the basis for discussions during the eighth session would be that draft along with the textual proposals presented by States during the seventh session. Additionally, to help advance discussions during the eighth session, States and other actors could also comment on informal contributions presented by the Chair-Rapporteur on articles 6 (prevention), 7 (access to remedy), 8 (legal liability), 9 (jurisdiction), 10 (limitation periods), 11 (applicable law), 12 (mutual legal assistance) and 13 (international cooperation), as well as certain additions and changes proposed to article 1 (definitions). Such contributions had been drafted with a view to:

- (a) Streamlining the text and making the provisions easier to understand;
- (b) Clarifying the linkages between different articles, with clearer cross-referencing and more consistent use of terminology;
- (c) Transitioning towards more formal language typically used in other treaties and instruments addressing human rights and business-related harms;
- (d) Taking account of the views expressed by States on the wording and approach of different articles over the course of working group discussions to date;
- (e) Ensuring there was an appropriate level of flexibility for State implementation of the obligations in the instrument, given differences in legal systems, without undermining the instrument's ability to achieve its objectives;
- (f) Provoking new thinking and discussion regarding the instrument.

9. The Chair-Rapporteur highlighted that, while there had been significant progress made to date, broad and growing participation of all actors, and particularly States, was necessary to advance the process. Given the way in which, and transparency through which, the Chair-Rapporteur had conducted the work of the working group, there was no objective reason for States and regional or political groups to refrain from participating in the process. Furthermore, he cautioned that superficial participation would not contribute to the advancement of the working group's objectives, and he urged States to participate constructively and substantively to convey their interests and positions on the text being considered. Finally, the Chair-Rapporteur observed that, despite the progress made by States at the national and regional levels in the field of business and human rights, business-related human rights abuses persisted in practically all sectors and in all regions of the world, and often without access to justice and reparation for victims. Thus, he stressed that international norms should reinforce existing standards and initiatives to better ensure the protection and promotion of human rights in the context of business activities; the prevention of human rights abuses by companies; access to justice and effective reparation for victims; and international cooperation in that field.

## **B. General statements**

10. Delegations and non-governmental organizations congratulated the Chair-Rapporteur on his election and thanked him for his leadership thus far. Delegations and organizations also expressed their appreciation for the High Commissioner's opening remarks and for the support provided by his office for the session.

11. While several delegations recognized the positive impacts that companies could have when they respected human rights, many human rights abuses were highlighted. Among those mentioned were abuses related to attacks on human rights defenders, peasants and Indigenous Peoples; the use of child labour; and environmental destruction and the

exploitation of resources. It was noted that crises such as the COVID-19 pandemic had increased risks to people in situations of vulnerability, and had also demonstrated how intertwined and interdependent societies and economies were. Some delegations and non-governmental organizations reminded the working group about problems associated with globalization, including the increased legal obstacles for holding transnational corporations accountable for human rights abuses. Many delegations and organizations also emphasized the lack of access to justice and reparation by victims of business-related human rights abuse more generally.

12. Delegations and organizations recalled past efforts to address business and human rights challenges. It was noted that intergovernmental debates in that area dated back many decades, and that the development of the Guiding Principles on Business and Human Rights had been a milestone event, as it had created a common framework through which to approach and address such challenges. Many delegations relayed the commitments of their respective States to promote and protect human rights in the context of business activities. State representatives shared legislative and policy initiatives to protect against adverse human rights impacts by business enterprises and otherwise implement the Guiding Principles. A regional organization also shared several relevant initiatives that had been adopted or were being discussed at the regional level, including regarding due diligence in the area of corporate sustainability.

13. Some delegations and organizations argued that the failure of such initiatives to sufficiently prevent and address business-related human rights abuse underscored the need for an international legally binding instrument in that space. Additionally, participants highlighted that such an instrument could help promote sustainable development, strengthen norms relating to business and human rights, fill gaps in international law, boost international cooperation and enhance protections for victims and groups at heightened risk of vulnerability or marginalization. Moreover, many participants emphasized the key role that an international legally binding instrument could and should have to enhance access to justice and remedy for those harmed in the context of business activities.

14. To ensure the instrument could realize such objectives, delegations and organizations shared their views as to the approach and content of the instrument. Generally speaking, it was suggested that the instrument build upon and complement the Guiding Principles on Business and Human Rights, provide legal certainty, be enforceable and ensure sufficient flexibility such that it could gain cross-regional support and be implemented in diverse legal systems. Regarding the content, delegations and organizations argued that the instrument should address, *inter alia*, the protection of the environment, climate change, legal liability of companies, the reversal of the burden of proof, enforcement mechanisms, and the differentiated impacts and needs of particular groups, such as women, Indigenous Peoples, and children.

15. Many delegations and organizations considered that the third revised draft text of the legally binding instrument, together with the concrete textual suggestions from the seventh session, provided a strong basis for achieving the goals of the working group. However, delegations disagreed as to the proper scope of the instrument, with some arguing that it should apply to all business activities, others arguing that it be restricted to transnational corporations, and others suggesting it should focus on transnational corporations and other business enterprises with a transnational character. Additionally, several delegations voiced other concerns with the third revised draft text; in their view, the draft was at the same time too prescriptive and too vague for a legal text meant to be implemented in diverse contexts.

16. Many delegations and some non-governmental organizations welcomed proposals of the Chair-Rapporteur on select articles of the legally binding instrument, considering them a step in the right direction. They expressed appreciation for the attempt to streamline the text and better incorporate the language used in other human rights treaties. Additionally, such delegations noted that the proposals would enhance alignment of the instrument with the Guiding Principles on Business and Human Rights and address some of their concerns regarding the need for the instrument to be implementable in a range of legal systems. However, concerns were also raised about the proposals being overly prescriptive and vague in some respects.

17. Delegations and non-governmental organizations sought clarification regarding the role of the Chair-Rapporteur's proposals and the rationale behind the suggested changes. Some delegations and many non-governmental organizations considered that the Chair-Rapporteur's proposals could undermine the convergence developed over the past seven sessions of the working group, which had been reflected in the third revised draft text together with the concrete textual suggestions from the seventh session. Such participants insisted that the third revised draft with textual suggestions should provide the sole basis for discussions during the eighth session. Other delegations raised concerns with the working group process more generally, highlighting the need to ensure greater participation and support from States from all regions. In that respect, many delegations welcomed the efforts made by the Chair-Rapporteur in the intersessional period to invite a group of ambassadors to act as friends of the Chair, and encouraged the Chair-Rapporteur to pursue that initiative further. Additionally, many delegations committed to participate constructively in the working group's deliberations during the eighth session, and reiterated their calls for increased engagement by States and other relevant stakeholders in order to help develop the text moving forward.

#### **IV. Panel discussion on the legally binding instrument and the road ahead**

18. In the panel discussion on the legally binding instrument and road ahead, the first panellist focused his remarks on three matters. First, he discussed the value of having human rights treaties. In his view, such treaties clarified that States had legal obligations with respect to human rights, and provided a means through which other parties could raise concerns regarding failures to implement those obligations. In other words, human rights treaties gave victims a language to speak to power, and changed the relationship of victims with those that had power. Second, he reflected on the working group process to date. Among the positive aspects, the panellist highlighted the voice it gave to civil society, the space it gave to States to formulate positions, the awareness raised about environmental and human rights impacts, and the impressive work carried on by the Chair delegation. With regard to aspects of concern, he noted the lack of intersessional activity, the rehashed statements of some stakeholders, the lack of constructive engagement by States and business, and the failure to fully explore whether to impose direct international obligations on companies. Finally, he shared some comments on behalf of the Working Group on the issue of human rights and transnational corporations and other business enterprises. As that Working Group had acknowledged, binding regulation, such as a treaty, was needed as part of a smart mix of business and human rights initiatives. The panellist noted that it would be essential for the legally binding instrument to align with the Guiding Principles on Business and Human Rights, including to ensure policy coherence. Additionally, he provided the reactions of that Working Group to the Chair-Rapporteur's suggested proposals, which the Working Group considered would help streamline the text and enhance alignment with the Guiding Principles.

19. The second panellist provided an overview of the regulatory landscape as he saw it, as well as his suggestions on how the open-ended intergovernmental working group should proceed to build consensus and facilitate greater engagement of States. Regarding the current state of play, while there was a growing consensus that business should respect human rights, most businesses had not yet adopted the idea of earning profit with principles. A global level playing field could be created only by rules that were binding on paper and in practice. Further, the panellist insisted that States not ignore their role in ensuring that businesses respected human rights; in his view, States were not doing enough to promote business respect for human rights or address corporate impunity. Regarding his suggestions for moving the process forward, the panellist reminded the working group of the reason for developing a legally binding instrument, which in his view was to fill regulatory gaps left by international soft law standards and national laws relating to human rights due diligence and modern slavery. However, he warned that the instrument would not be able to overcome all existing barriers to regulate corporate human rights abuse, and thus expectations should be managed. In his view, the instrument should strike a balance between specificity and flexibility, and the Chair-Rapporteur's proposals were making progress towards this balance,

even if not in a perfect way. To address the different views regarding the scope of the instrument, the panellist suggested that the treaty promote respect for human rights by all business enterprises, but not ignore the unique regulatory challenges posed by multinationals or the limited capacity of small and medium-sized enterprises. Finally, he recommended that significant efforts be made in between the working group sessions to build regional consensus. He suggested that the friends of the Chair lead this process, and that an advisory role be given to scholars, lawyers, trade union leaders and civil society. He further recommended that a time frame be set to conclude the negotiations in order to ensure greater political will to engage in the process.

20. In the discussion that followed, delegations and non-governmental organizations raised a number of questions and made comments in response to the panellists' interventions. Among the issues discussed were whether increased business participation in the working group would lead to corporate capture and what could be done to limit such risk; how to ensure an effective treaty body given that the instrument would address corporate activities; whether it was desirable for the instrument to cover only transnational corporations; how the instrument should address issues relating to climate change; and how to ensure greater alignment with the Guiding Principles on Business and Human Rights.

## **V. State-led negotiations of the legally binding instrument**

21. During the sessions allocated for the negotiation of the legally binding instrument, discussions proceeded as described in the present section. For articles 6 to 13, the Chair-Rapporteur introduced his informal contributions, shared the rationale for any changes made, and explained how the contributions related to the provisions in the third revised draft. State delegations were then invited to present specific textual proposals on the various provisions of the third revised draft text or the Chair-Rapporteur's informal contribution for that article, as well as respond to any proposed text by expressing support or non-support or suggesting amendments. Specific textual proposals and amendments to such proposals on both the third revised draft and the Chair-Rapporteur's informal contributions were captured with proper attribution on the projected screen. Requests for clarifications and general comments were noted by the Chair-Rapporteur, in particular for consideration after the session, including through the friends of the Chair. Following the discussion among States, time was given to specialized agencies and other international organizations, national human rights institutions and non-governmental organizations to share their textual proposals and comments on the article.

22. During the negotiations of articles 6 to 13, some delegations raised concerns about the modalities of participation and the status of the Chair-Rapporteur's informal contributions. Some delegations questioned whether it was appropriate for States to be making textual proposals on the Chair-Rapporteur's contributions in a separate document, given the informal nature of the text; in their view, if States agreed with the Chair-Rapporteur's contributions, they should propose the inclusion of that text in the document covering the third revised draft text. Some delegations also thought it was confusing to work on two documents (i.e., the third revised draft text and the Chair-Rapporteur's informal contributions) simultaneously. The Chair-Rapporteur recalled that on 7 September 2022, he had announced, through a note verbale, his intention to make informal contributions on key articles of the draft instrument, and those contributions were shared on 6 October 2022 along with an explanation of the approach taken. He further recalled that the proposed modalities of the session, including the rules governing interventions, had been shared through a technical note circulated on 13 October 2022 to all States, and that the programme of work had been approved, without objection, with those modalities known to all participants. Nevertheless, some delegations continued to raise concerns about those modalities. It was suggested that the Chair-Rapporteur's informal contributions be incorporated into the document containing the third revised draft so that negotiations could proceed on the basis of a single document. The Chair-Rapporteur agreed to the suggestion, and the two documents were merged. However, afterwards, some delegations objected to the merging of the documents, and, as no State delegation insisted on maintaining the change, the Chair-Rapporteur decided to revert to the original modalities that had been presented before the session and which had been elaborated

on during the presentation of the programme of work (see paras. 6–7 above). The Chair-Rapporteur clarified that the formal basis for negotiations during the eighth session remained the third revised draft, together with the concrete textual suggestions made by States during the seventh session; however, States and non-State stakeholders were still free to share their comments and textual proposals on the Chair-Rapporteur’s contributions. Further, to facilitate a compromise, the Chair-Rapporteur proposed making a distinction between the two documents following the session: the third revised draft, together with textual proposals made by States during the seventh and eighth sessions, would be issued as an addendum to the present report, whereas the Chair-Rapporteur’s contributions and the compilation of textual proposals made on that text would be issued as conference room papers. Further, the Chair-Rapporteur would seek to convene a meeting of the friends of the Chair to discuss and agree on a workable way forward in relation to the future consideration of such texts.

23. The remaining articles were discussed in three groupings: (a) from the preamble to article 3, (b) articles 4, 5 and 14 and (c) articles 15 to 24. For each grouping, the Chair-Rapporteur made a brief introduction. State delegations were then invited to present specific textual proposals on the various provisions of the third revised draft text, as well as respond to any proposed text by expressing support or non-support or suggesting amendments. Specific textual proposals and amendments to such proposals were captured with proper attribution on the projected screen. Requests for clarifications and general comments were noted by the Chair-Rapporteur, in particular for consideration after the session, including through the friends of the Chair. Following the discussion among States, time was given to specialized agencies and other international organizations, national human rights institutions and non-governmental organizations to share their textual proposals and comments on the articles contained in each grouping.

24. Given the session’s focus on State-led negotiations, the Chair-Rapporteur does not attempt, in the present report, to reflect all of the views expressed during the session. Rather, the addendum compiling the textual proposals on the third revised draft made during the seventh and eighth sessions and the conference room paper containing the textual proposals made during the session on the Chair-Rapporteur’s contributions<sup>7</sup> should be consulted for an overview of States’ positions. Full recordings of the session’s deliberations are available in all official United Nations languages.<sup>8</sup> Further, compilations of the general statements, as well as statements delivered during the eighth session by States and non-State stakeholders during the State-led negotiations, are available on the web page dedicated to the eighth session of the working group.<sup>9</sup>

## VI. Recommendations of the Chair-Rapporteur and conclusions of the working group

### A. Recommendations of the Chair-Rapporteur

25. **Following the discussions held during the eighth session, and acknowledging the comments and concrete textual suggestions expressed therein on the third revised draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, and also acknowledging the comments and concrete textual suggestions on the informal suggested Chair proposals for select articles of the legally binding instrument, the Chair-Rapporteur makes the following recommendations:**

(a) **That the Secretariat post on the working group’s website, as an addendum to the present report, the text of the third revised draft legally binding instrument with**

<sup>7</sup> Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/wgtranscorp/session8/2022-10-31/a-hrc-wg16-8-crp2.pdf>.

<sup>8</sup> See the webcasts available at <https://media.un.org/en/webtv/>.

<sup>9</sup> See [www.ohchr.org/en/hr-bodies/hrc-trans-corp/session8](http://www.ohchr.org/en/hr-bodies/hrc-trans-corp/session8).

the concrete textual proposals submitted by States during the seventh and eighth sessions;

(b) That the Secretariat post on the working group's website the conference room paper containing the informal suggested Chair proposals for select articles of the legally binding instrument with the concrete textual proposals submitted by States during the eighth session;

(c) That the Secretariat prepare, and post on the working group's website by no later than the end of December 2022, compilations of the following statements presented during the eighth session and provided to the Secretariat by 11 November 2022, reproduced in the language received:

- (i) The general statements from States and non-State stakeholders;
- (ii) The statements delivered by States during the State-led negotiations;
- (iii) The statements delivered by non-State stakeholders during the State-led negotiations;

(d) That the Chair-Rapporteur convene meetings of the friends of the Chair, reflecting all regions, as soon as possible, to discuss and agree on a workable way forward in relation to the legally binding instrument;

(e) That the Chair-Rapporteur facilitate consultations during the intersessional period with a view to advancing work on the draft legally binding instrument, aiming at ensuring the broadest possible cross-regional support. Under the guidance of the Chair-Rapporteur, the friends of the Chair could be requested to convene and lead intersessional consultations among States, taking into consideration all concrete textual suggestions, comments and requests for clarification made during the seventh and eighth sessions;

(f) That the Chair-Rapporteur note the concrete textual proposals submitted by intergovernmental organizations, national human rights institutions, civil society, business organizations, trade unions and all other relevant stakeholders during the eighth session, for the appropriate consideration in the work on the draft legally binding instrument during the intersessional period. Those stakeholders will be consulted by the friends of the Chair and invited to submit written inputs;

(g) That the Chair-Rapporteur update the draft legally binding instrument taking into consideration the concrete textual proposals and comments submitted by States during the eighth session and the outcomes of the consultations as reported by the friends of the Chair, and circulate it in a version in track changes, including by publishing it on the working group's website, by no later than the end of July 2023;

(h) That the Chair-Rapporteur prepare a programme of work for the ninth session, to be held in 2023;

(i) That the Chair-Rapporteur promote State-led direct substantive intergovernmental negotiations during the working group's ninth session, on the basis of the updated draft legally binding instrument.

## **B. Conclusions of the working group**

26. At the final meeting of its eighth session, on 28 October 2022, the working group adopted the following conclusions, in accordance with the mandate established by the Human Rights Council in its resolution 26/9:

(a) The working group welcomed the opening message of the United Nations High Commissioner for Human Rights and thanked the representatives who took part in the discussions on and the negotiation of the draft legally binding instrument;

(b) The working group took note of the concrete textual suggestions, comments and requests for clarification received from States, intergovernmental

organizations, national human rights institutions, civil society, business organizations, trade unions and all other relevant stakeholders;

(c) The working group acknowledged the discussions and negotiation focused on the content of the draft legally binding instrument, as well as the participation and engagement of States, intergovernmental organizations, national human rights institutions, civil society, business organizations, trade unions and all other relevant stakeholders;

(d) The working group took note of the recommendations of the Chair-Rapporteur and looked forward to the consultations to be undertaken by the Chair-Rapporteur with the assistance of the friends of the Chair. The working group will be informed about the modalities, and be regularly updated about the progress of these consultations;

(e) The working group looked forward to receiving the updated draft legally binding instrument and the programme of work and the modalities for its ninth session.

## **VII. Adoption of the report**

27. At its 10th meeting, on 28 October 2022, after an exchange of views on the report and its content, the working group adopted *ad referendum* the draft report on its eighth session and decided to entrust the Chair-Rapporteur with its finalization and submission to the Human Rights Council for consideration at its fifty-second session.

## Annex

### List of participants

#### States Members of the United Nations

Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kenya, Lithuania, Luxembourg, Malaysia, Mali, Mexico, Mozambique, Namibia, Netherlands, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Sweden, Switzerland, Togo, Türkiye, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

#### Non-member States represented by an observer

State of Palestine.

#### Intergovernmental organizations

European Union, International Chamber of Commerce, International Labour Organization, Organization of Islamic Cooperation, South Centre, United Nations Conference on Trade and Development, United Nations Institute for Training and Research, World Health Organization.

#### National human rights institutions

German Institute for Human Rights, National Consultative Commission on Human Rights (France).

#### Non-governmental organizations in consultative status with the Economic and Social Council

ActionAid; Al-Haq; Asia Indigenous Peoples Pact; Asian Forum for Human Rights and Development; Associação Brasileira Interdisciplinar de AIDS; Association for Women's Rights in Development; Associazione Comunità Papa Giovanni XXIII; Bischöfliches Hilfswerk Misereor; Catholic Agency for Overseas Development; Center for Constitutional Rights; Centre Europe-tiers monde; Centre for Health Science and Law; Centre for Human Rights; CIDSE; Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos "Capaj"; Comité Catholique contre la faim et pour le développement; Coordinadora Andina de Organizaciones Indígenas; Corporate Accountability International; Dreikönigsaktion – Hilfswerk der Katholischen Jungchar; ESCR-Net – International Network for Economic, Social and Cultural Rights, Inc.; European Center for Constitutional and Human Rights; European Environmental Bureau; FIAN International; Fondazione Marista per la Solidarietà Internazionale ONLUS; Franciscans International; Friends of the Earth International; Genève pour les droits de l'homme: formation internationale; Global Policy Forum; Institute for Human Rights; Institute for Human Rights and Business; Institute for Policy Studies; Institute for Reporters' Freedom and Safety; International Association of Democratic Lawyers; International Commission of Jurists; International Federation for Human Rights Leagues; International Human Rights Association of American Minorities; International Indian Treaty Council; International Organization of Employers; International Service for Human Rights; International Trade Union Confederation; International Transport Workers' Federation; IT for Change; La grande puissance de Dieu; Liberian United Youth for Community Safety and Development; Maat for Peace, Development and Human Rights Association; Make Mothers Matter; National Old Folks of Liberia; Oxfam International; Protestant Agency for Diakonie and Development; Public Services International; Rosa-Luxemburg-Stiftung – Gesellschaftsanalyse und Politische Bildung; Stiftung Wissenschaft und Politik; Swiss Catholic Lenten Fund; Third World Network; Trocaire; United States Council for International Business, Incorporated; Verein Südwind Entwicklungspolitik; Womankind Worldwide; Women in Europe for a Common Future; Women's International League for Peace and Freedom.