

Scenario note on modalities for organizing the 7th session of the open-ended intergovernmental working group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights and the process projected after the 7th session

1. At the 7th session of the OEIGWG

- In accordance with Resolution 26/9, the 7th session will be held between 25 to 29 October 2021 and will be focused on State-led direct substantive intergovernmental negotiations based on the third revised text, available here: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/LBI3rdDRAFT.pdf>
- The Chair intends to conduct the session based on the following modalities:
 - o The draft text will be projected on the screen and will be reviewed provision by provision.
 - o The Chair-Rapporteur, as appropriate, could briefly present the draft text and the changes that have been introduced in the 3rd revision in comparison to the earlier version of the text.
 - o State delegations are invited to present specific textual proposals on the various provisions of the draft text. Delegations may also respond directly to the textual proposals proposed by other delegations in order to express support, non-support, or suggest amendments.
 - o All specific textual proposals and amendments to such proposals will be captured with proper attributions on the projected screen, and in compliance with the relevant procedures for doing so.
 - o The Chair will subsequently broadly summarize the views in the room on the provision under consideration, or the consensus reached if it is the case, before moving to the next provision.
 - o Should there not be any comments or specific textual proposals from any State delegation with respect to a particular provision after the Chair has opened the floor, the Chair will promptly move to the next provision.

Regarding the participation of civil society organizations, other observers and relevant stakeholders

- Civil society organizations, other observers and relevant stakeholders are encouraged to share their textual proposals during the time dedicated to their interventions.
- Similar to previous years, the Chair will organize the session with a view to facilitate that civil society organizations and other observers and relevant stakeholders have time to share their views.
- Proposals for textual changes coming from civil society organizations, other observers and relevant stakeholders will be noted by the Chair for the appropriate consideration of the State Parties in the work to be undertaken on the draft text after the session.

2. After the 7th session of the OEIGWG

- During the inter-sessional period after the 7th session of the OEIGWG, the Chair intends to continue advancing textual work on the draft text. The Chair will invite a group of Ambassadors to act as “Friends of the Chair” to facilitate such continued work.
- The group of “Friends of the Chair” will be announced shortly after the 7th session of the OEIGWG and will reflect a balanced regional representation of the five UN regional groups (Africa, Asia-Pacific, Latin America and the Caribbean, WEOG, and Eastern Europe).
- Under the guidance of the Chair-Rapporteur, the “Friends of the Chair” will be requested to convene, lead and facilitate consultations during the inter-sessional period among States Parties on specific provisions in the draft text, with a view to advancing towards convergence among the States Parties on such provisions taking into account the textual proposals received from participating States Parties during the 7th session.
- The “Friends of the Chair” together with the Chair-Rapporteur may also propose possible compromise text for the consideration of State Parties during such consultations that in their view could capture common ground among the State Parties.
- The “Friends of the Chair” and the Chair-Rapporteur will meet periodically during the inter-sessional period to monitor the progress of the consultations, with a view towards concluding these by June 2022.
- The textual outcomes of these consultations and negotiations as reported by the “Friends of the Chair” will be compiled by the Chair-Rapporteur in the draft treaty text, to be circulated to State Parties no later than 31 July 2022.
- The draft text with the textual proposals submitted by delegations during the 7th session of the OEIGWG and the contributions from the “Friends of the Chair” will form the basis for continuing negotiations during 8th session of the OEIGWG.

Regarding the participation of civil society organizations, other observers and relevant stakeholders

- Civil society organizations, other observers and relevant stakeholders may be consulted as appropriate by the “Friends of the Chair” during the inter-sessional period and may submit written inputs to the “Friends of the Chair” process and may observe inter-governmental negotiations on the text held within this context as may be consistent with the Rules of Procedure of the Human Rights Council.