

Geneva, 6th October, 2023

To the attention of
Civil Society Organizations

Dear friends,

At the outset, allow me to convey my appreciation for your active and constructive participation in the Working Group sessions and the process for the elaboration of a legally binding instrument, in which civil society has certainly been a driving force.

Throughout the years civil society organizations have engaged and contributed to the process with their positions and comments. The valuable inputs and suggestions from civil society organizations have been welcomed, recognized and given due consideration in the process of elaborating the legally binding instrument.

As set out in the Conclusions and Recommendations of the eighth session, paragraph 25(e), inter-sessional consultations convened by the Friends of the Chair took place amongst States only. However, and in accordance with paragraph 25(f), participation of non-State stakeholders in the inter-sessional work was ensured through written inputs they had been invited to submit and which were shared in advance of the inter-sessional consultations through a compilation prepared by the Secretariat.

In line with the recommendation in paragraph 25(g), the Chair used the outcomes of the inter-sessional consultations as reported by the Friends of the Chair, together with the concrete textual proposals and comments submitted by States during the eighth session, including on the Suggested Chair Proposals, to update and consolidate in a single text the draft legally binding instrument, which was circulated on July 31st, 2023.

As you are aware, processes involving the creation and advancement of International Human Rights Law usually take considerable time and efforts. While broad participation of all actors is needed, participation from States is particularly essential. Despite all efforts in that direction, we acknowledge that we are still lacking a critical number of States to achieve further progress.

Therefore, the process depends on the political will of all parties involved and, especially, on a clear understanding of the dynamics of the negotiation, where diverging or extreme positions must be gradually moved towards consensus, to build a fit-for-purpose and widely accepted instrument.

Allow me to reiterate that the process for the elaboration of a legally binding instrument must reflect our shared goals and objectives, namely the protection and promotion of human rights in the context of business activities, the prevention of human rights abuses by companies, and the guarantee of access to justice and effective remedy for the victims.

We are convinced that it is possible to improve victims' access to justice and effective remedy through binding regulations that complement voluntary norms such as the Guiding Principles on Business and Human Rights.

In this context, in my capacity as Chair-Rapporteur, I have the honor to invite you to attend an informal meeting for civil society organizations before the ninth session of the OEIGWG (Geneva, 23-27 October 2023), to be held on October 17th, 2023, 16h00-18h00, at the Palais de Nations, room XXIV, and with the possibility of participating remotely through Webex.

Yours respectfully,



Ambassador Cristian Espinosa,
Permanent Representative of Ecuador to the United Nations in Geneva
Chair-Rapporteur of the OEIGWG Resolution 26/9