

Geneva, October 6th, 2022

Excellencies,

I refer to my letter dated September 7th, 2022, regarding the latest developments in the work of the open-ended intergovernmental working group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights and the process projected for the 8th session, October 24-28, 2022.

On that occasion, I conveyed that, given the fact that the third revised draft of the legally binding instrument presented to the 7th session was the last one drafted by the Chair-Rapporteur, as announced before and during that session -with the objective that the subsequent versions be the result of the work of the States during the sessions-, the same text with the addition of the compilation of the concrete textual proposals submitted by States during the 7th session (published at the OEIGWG website) will be the basis for the discussions during the 8th session.

I also announced that as an informal contribution of the Chair-Rapporteur to advance the discussions before the 8th session and facilitate the negotiations on that occasion, a proposal on some specific provisions of the text (article 6 - prevention; article 7 - access to remedy, article 8 - legal liability, article 9 - adjudicative jurisdiction, article 10 - statute of limitations, article 11 - applicable law, and article 12 - mutual legal assistance and international judicial cooperation) would be shared for consideration of the States, civil society organizations and other relevant stakeholders before that session.

The approach taken by the Chair to present these proposals has been 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 IGWG discussions to date;
- (e) ensuring there is an appropriate level of flexibility for State implementation of the obligations in this LBI, given differences in legal systems, without undermining the instrument's ability to achieve its objectives; and
- (f) provoke new thinking and discussion regarding the LBI.

The attached document contains informal proposals by the Chair for: article 6 - prevention; article 7 - access to remedy; article 8 - legal liability; article 9 - jurisdiction (name changed); article 10 - limitation periods (name changed); article 11 - applicable law (removed); article 12 - mutual legal assistance (name changed); and, article 13 - international cooperation. Additionally, certain additions and changes have been proposed to the definitions found in article 1 to help streamline the drafting of the above articles.

Further comments and explanations on the rationale behind each article proposal will be provided by the Chair during the 8th session.

I trust that the States, civil society organizations, and other relevant stakeholders will find helpful these informal proposals from the Chair to move forward with the process and to contribute to opening a space for broader and more active participation during the 8th session. I am looking forward to a fruitful discussion and to receiving your comments and suggestions during the session, according to the draft program of work that will be circulated in the next few days.

Yours respectfully,



**Ambassador Emilio Izquierdo**  
**Permanent Representative of Ecuador to the United Nations in Geneva**  
**Chair-Rapporteur of the OEIGWG Resolution 26/9**