

Geneva, September 7th, 2022

Excellencies,

Before the seventh session of the open-ended intergovernmental working group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights (25-29 October 2021), and to continue advancing the work on the draft legally binding instrument on the matter, the Secretariat, on behalf of the Chair-Rapporteur, circulated the document "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" (<https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/igwg-7th-modalities-and-process-after-session.pdf>).

In that document, the Chair-Rapporteur informed that, during the intersessional period after the 7th session of the OEIGWG, he would intend to continue advancing textual work on the draft text and, for that purpose, invite a group of Ambassadors to act as "Friends of the Chair" to facilitate such continued work. The Chair-Rapporteur further elaborated on the Friends of the Chair in the recommendations made at the end of the seventh session (A/HRC/49/65, 20 (b)-(d)).

Acting on his recommendations, on February 16, 2022, the Chair-Rapporteur circulated a note requesting the Human Rights regional coordinators to share his invitation to act as Friends of the Chair with their respective groups. The aim was to start consultations to facilitate and advance work on the draft legally binding instrument during the intersessional period, convening and leading consultations among States on specific provisions of the text.

As further indicated in the note, the Friends of the Chair, together with the Chair-Rapporteur, might also have proposed possible compromise text for the consideration of State Parties during those consultations, looking for common ground among the different positions, and would have met periodically during the intersessional period to monitor the progress and to conclude the process by the end of June.

Unfortunately, despite all the efforts made by the Chair-Rapporteur between February and July to form the Friends of the Chair group reflecting a balanced regional representation of the five UN regional groups (Africa, Asia-Pacific, Latin America and the Caribbean, WEOG, and Eastern Europe), it was not possible to confirm the participation of at least one representative of one of the regional groups. For that reason, it has not been possible to convene any meeting of the group.



As a consequence of this unforeseen situation, and 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 during that session, 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 to be held on October 24-28, 2022.

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) will be shared for consideration of the States, civil society organizations and other relevant stakeholders, at the end of September.

Additionally, ahead of the 8th session, the Chair-Rapporteur will convene a meeting with the Permanent Representatives of the States which currently are in the Friends of the Chair group, namely Azerbaijan, France, Indonesia, Portugal, and Uruguay, to discuss the way forward for the group and ask them to organize meetings among the countries of their respective regions to encourage and support active participation of all States during the 8th session.

In the case of Africa, the approach will be made through the Human Rights regional coordinator, until the participation of a country from that region is confirmed.

Yours respectfully,



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