



LAWYERS FOR
HUMAN RIGHTS

TO: H.E. Ambassador Kouadio Adjoumani
Permanent Mission of the Republic of Côte d'Ivoire to the United Nations in Geneva

By email: info.geneve@diplomatie.gouv.ci

COPIED TO: H.E. Ambassador Emilio Rafael Izquierdo Miño
Permanent Representative of Ecuador to the United Nations in Geneva
Chair-Rapporteur of the OEIGWG Resolution 26/9

By email: onuginebra@cancilleria.gob.ec

28 September 2022

Your Excellency Ambassador Kouadio Adjoumani

RE: AFRICAN CIVIL SOCIETY CONCERNS REGARDING THE OEIGWG PROCESS AHEAD OF THE EIGHTH SESSION

1. We write to you as the Centre for Applied Legal Studies (“**CALS**”) and Lawyers for Human Rights (“**LHR**”). CALS is a human rights organisation and registered law clinic based at the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. LHR is an independent, non-profit, non-governmental legal organisation based at four locations across South Africa.
2. Both CALS and LHR have worked consistently to end corporate impunity for human rights violations, and have long supported the work of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (“**OEIGWG**”) and in particular the drafting process towards an internationally legally binding instrument on transnational corporations and other business enterprises with respect to human rights (“**Business and Human Rights Treaty**”). It is in that spirit that we raise the concerns contained in this correspondence.
3. We refer to the letter from His Excellency Emilio Rafael Izquierdo Miño as Chair-Rapporteur of the OEIGWG dated 7 September, and enclosed herewith as **Annexure 1**.

3.1. We note that the letter confirms that –

“[D]espite 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 . . . it was [not] possible to confirm the representation of at least one of the regional groups. For that reason, it has been not been possible to convene any meeting of the group”

and later confirms that the regional group which has failed to confirm its representation in the ‘Friends of the Chair’ forum is indeed the African region.

- 3.2. The letter notes further that, due to the absence of an African regional representative on the ‘Friends of the Chair’ forum, no new full revised draft of the Treaty text will be made available in advance of the 8th session of the OEIGWG, and the Chair-Rapporteur shall rather release an “informal contribution” to advance the 8th session discussions by the end of September 2022.
4. We are particularly concerned, as African CSOs, that the failure to release a revised draft of the Treaty in advance of the 8th session, and attendant delays in the drafting process, is being laid solely at the door of the African region.
5. In the circumstances, we raise the following queries:
 - 5.1. Kindly confirm whether His Excellency has received any correspondences as 2022 human rights regional coordinator for the African region, from the Chair-Rapporteur of the OEIGWG regarding the convening of the ‘Friends of the Chair’ forum;
 - 5.2. If so, kindly confirm the timeline and content of all such correspondences;
 - 5.3. If so, kindly confirm whether His Excellency has responded to such correspondences;
 - 5.4. If so, kindly confirm the timeline and content of all such responses;
 - 5.5. If His Excellency has not responded, kindly confirm whether His Excellency has delegated the duty to respond, alternatively the duty to sit as a representative of the African region on the ‘Friends of the Chair’ forum, to another African state;
 - 5.6. If so, kindly provide any correspondences to that effect.
6. We emphasize that we raise these concerns and requests for clarification and information in the spirit of openness, and in pursuit of an end to corporate impunity through *inter alia* the work of the OEIGWG. We trust that this communication will be received in the spirit thereof.
7. We would thus appreciate if you could revert to us on the above requests for clarity and information by 5 October 2022.

8. Kindly take note that we have copied the Chair-Rapporteur of the OEIGWG herein, and will be addressing similar correspondence to their offices, in which we will likewise copy His Excellency.
9. We look forward to further fruitful engagement in the coming weeks in advance of the 8th session, towards the promotion of human rights and ending corporate impunity.

Yours faithfully,

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