

Geneva, October 7th, 2022

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Dear Madams,

I refer to your letter of September 28, 2022, regarding the current status of the works of the Open-Ended Intergovernmental Working Group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights, with the mandate to elaborate a legally binding instrument on business and human rights.

At the outset, let me welcome your interest in advancing the LBI process. I am convinced that it is essential to continue promoting inclusive, transparent, and active participation and engagement of all stakeholders in the process. Contributions and proposals from civil society organizations are instrumental to our common objectives in this process.

At the same time, I would like to stress the important role played by the African Group and its country members during the seven sessions held by the Working Group.

Concerning your reflections on the Friends of the Chair mechanism, I would like to recall the specific nature of the OEIGWG and the role conferred to the Chair-Rapporteur.

The Chair is a facilitator for the process, acting upon concrete recommendations and conclusions adopted by the OEIGWG at the end of each session. On the other hand, the drafting process takes place within the sessions of the OEIGWG, which is the body entrusted with the mandate to negotiate and elaborate the LBI. Thus, inter-sessional activities are expected to contribute to the negotiations during the sessions.

Regarding my efforts to establish the Friends of the Chair, as you already know, on February 16, 2022, we circulated a note requesting regional coordinators to share the 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 inter-sessional period. The Friends of the Chair, together with the Chair-Rapporteur, might have proposed possible compromise text for the consideration of States during consultations.

Despite all the efforts by the Chair between February and July, including formal and informal approaches, to form the Friends of the Chair group, reflecting a balanced regional representation of the five UN regional groups, it was not possible to confirm the participation of at least one representative of the African Group.

This unforeseen situation, as conveyed in my letter of September 7, 2022, and 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.

Finally, the informal contribution of the Chair-Rapporteur to advance the discussions and facilitate the negotiations on the 8th session has been shared on October 6, 2022, for consideration of States, civil society organizations, and other relevant stakeholders.

I take this opportunity to kindly invite you to actively participate during the 8th session of the OEIGWG and continue your positive contribution to the advancement of this process.

Yours respectfully,



Ambassador Emilio Izquierdo

Permanent Representative of Ecuador to the United Nations in Geneva

Chair-Rapporteur of the OEIGWG Resolution 26/9