

Note 4-7- 135/2020

The Permanent Mission of Ecuador to the United Nations and other International Organizations in Geneva, on behalf of the Chairmanship of the Open-ended Intergovernmental Working Group (OEIGWG) established by Human Rights Council Resolution 26/9, presents its compliments to the United Nations High Commissioner for Human Rights, H.E. Michelle Bachelet, and has the honour to make reference to the implementation of its mandate to "elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises".

At the final meeting of the fifth session of the OEIGWG, the Chair-Rapporteur was requested to prepare a second revised draft legally binding instrument on the basis of: -the discussions held during that session; -the two annexes of the report of that session, containing respectively a compilation of written statements and textual suggestions presented by States during that session; -the submissions with additional textual suggestions received until the end of February 2020; and -different informal consultations to be held.

Additionally, in one of the recommendations of the final report of the fifth session, the Chair-Rapporteur was requested to invite a small group of experts to provide independent expertise and advice in relation to the preparation of the second revised draft legally binding instrument, in accordance with operative paragraph 6 of HRC resolution 26/9.

At the same time, in one of its conclusions included in the referred report, the OEIGWG took note with appreciation of the recommendations of the Chair-Rapporteur and looked forward, inter alia, to the second revised draft legally binding instrument.

In that regard, and in spite of unforeseen rescheduling and limitations due to the COVID-19 pandemic, the Chairmanship held a series of virtual open informal consultations during May and June 2020, with the participation of more than 90 Governments delegations and more than 200 representatives from intergovernmental organizations, human rights mechanisms, civil society and other relevant stakeholders.

The Chairmanship of the OEIGWG takes this opportunity to reiterate its gratitude for all comments, submissions and proposals received from States and other stakeholders throughout all these opportunities, and has the honour to present attached herewith, a second revised draft legally binding instrument on business activities and human rights, as a follow up to the implementation of the mandate of HRC Resolution 26/9.

To H.E. Michelle Bachelet
United Nations High Commissioner for Human Rights
Geneva.-

Therefore, the Chairmanship of the OEIGWG kindly requests the Office of the High Commissioner to circulate it to all Permanent Missions and other relevant stakeholders, as the basis for State-led direct substantive intergovernmental negotiations on the preparation of a third draft legally binding instrument during the working group's sixth session, to be held from 26 to 30 October 2020, in a format that allows different stakeholders to present their views regarding the draft legally binding instrument.

The Permanent Mission of Ecuador to the United Nations and other International Organizations in Geneva, on behalf of the Chairmanship of the Open-ended Intergovernmental Working Group established by Human Rights Council Resolution 26/9 (OEIGWG), avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights, H.E. Michelle Bachelet, the assurances of its highest consideration.

Geneva, 07 August 2020