

Geneva, 24 September 2024

Open letter to the Permanent Mission of Ecuador to the United Nations Office and other International Organisations in Geneva, Chairpersonship of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to Human Rights (OEIGWG),

Copy: *To the Government of Ecuador*

the President, Mr. Daniel Noboa,

the Minister of Foreign Affairs, Ms. Gabriela Sommerfeld

the Vice-Minister of Foreign Affairs, Mr. Jaime Augusto Barberis

Copy: *To the Office of the United Nations High Commissioner for Human Rights*

Copy: *To the Secretariat of the OEIGWG*

Copy: *United Nations Office at Geneva (UNOG)*

We, the undersigned, representing more than 300 million people across the world from a variety of sectors and fields, write this letter to express our surprise and profound concerns regarding the Note Verbale (N 4-7-272/2024) that the Mission of Ecuador to the UN in Geneva published on the 20th of September announcing a change of dates for the coming 10th Session of the OEIGWG.

As you know, this year marks the 10th anniversary of this process. From the beginning, social movements, affected communities, Indigenous Peoples, trade unions, peasant movements, civil society organisations, lawyers and parliamentarians from every continent have been actively building support for and contributing to these negotiations. Side by side with States that, like ourselves, understand the critical significance that this process has for the lives of billions of peoples, we have dedicated a lot of time and resources to support these negotiations.

For the 10th anniversary of UNHRC Resolution 26/9, which mandates this process, we have organised ourselves to be even more numerous and prepared to contribute constructively to the State-led negotiations facilitated by the Ecuadorian Chairpersonship.

Whatever the circumstances might be, we insist that the decision to postpone the 10th Session is reverted, calling your attention to the following:

1. While the UN Pact of the Future was just adopted in New York, which calls for a revitalised multilateralism, the Mission of Ecuador has taken a unilateral step. This rescheduling, without notice, can make it impossible for most movements, communities, Indigenous Peoples, and civil-society organisations, the most affected by the issues under debate by the OEIGWG, to participate in the next Session—as they always have. There is no future for the UN if the peoples and the movements are not allowed a voice in the conversation.

2. The short notice of this rescheduling, just a month away, means we all have our tickets bought, our hotels booked. Movements and CSOs need to plan their trips way in advance, and with non-refundable rates. This is the only way we can make sure more voices are present for the negotiations, given our very limited resources. A rough estimate of the financial damage your decision could cause to our constituencies already amounts to over €150.000,00.
3. There are important reasons why the dates of this OEIGWG and all sessions of the UNHRC are always set well in advance. In these past ten years, only COVID, a global pandemic, has motivated any changes in the very carefully designed schedule of the work taking place at the UNHRC. In addition to the material and financial implications of this decision, the reliability of the schedule means civil society can plan their participation. There are many urgent issues we need to tend to, and the resources we rely upon need to be carefully allocated in advance so we can justify our expenditures to funders and, more importantly, to our societies. We each have to plan organizationally, on an annual basis, and we rely on UN schedules to do so. What Ecuador's unilateral decision concretely does is to shrink even more the civic space of the United Nations and undermine the trust we should have for the Chairpersonship of the OEIGWG
4. Moreover, many Global South States' delegates have already shared that they will also not be present in Geneva at the new suggested dates, in late December, just a week before one of the most important holidays celebrated in many parts of the world. For the same reasons, it would be very difficult for other delegates that usually come from capitals to contribute to the process to go to Geneva at the new suggested dates.
5. Finally, it is expected that the cost of travel and accommodation will inevitably go up during the festive season and this is likely to lock out many more people from participating in this important process. To consider holding the Session when most of the South is home, be it States' delegates or Civil Society, is disrespectful to their commitment and to the democratic character that should guide the OEIGWG. Without plurality, the revision of the Updated Draft will turn partial and, thus, void.

In light of the above, we urge the Mission of Ecuador to consider other options for running the 10th Session between 21 and 25 October 2024, as originally scheduled, agreed and reconfirmed just a couple of weeks ago.

For your consideration, here are some possible alternatives:

- a) **Another person from the Permanent Mission of Ecuador presides over the 10th Session**, as it frequently happens in other Working Groups from the United Nations Human Rights Council. For instance, the Working Group on the Rights of Peasants and Other People Working in Rural Areas, chaired by the Plurinational State of Bolivia, had its 5th Session of April 2018 presided by one of the Counsellors of the Mission, in the absence of the Ambassador;

- b) **Another State from the core group of Resolution 26/9 presides over the 10th Session**, as it happened during the negotiation of the Working Group on the Rights of Peasants, in which Ecuador (member of the core group) chaired one of the sessions in the absence of the Chair (Plurinational State of Bolivia); same as with the Working Group of the Durban Declaration and Programme of Action, whose May 2024 Session was presided over by Gambia (member of the core group) in the absence of the Chair (Rwanda)
- c) **The Session is made hybrid**, so that the Ambassador can participate remotely.

Considering the plurality and democratic character of the Council, and of the OEIGWG, we also urge the Secretariat to make sure Room XX is available for the Session as planned, in the week of 21-25 October, until the Mission of Ecuador is able to answer to our concerns and suggestions as expressed above.

We take the opportunity to remind the Permanent Mission of Ecuador that this process was built on the backs and sweat of millions of people dedicating time, life, and energy to put an end to corporate impunity. This is therefore a collective process, not an informal gathering that can be disposed of without thorough consideration and consultation with States and other relevant actors.

We look forward to your reply.

Kind regards,

International Coalitions

International Trade Union Confederation
Trade Union Confederation of the Americas
Treaty Alliance
ESCR-Net
Feminists for a Binding Treaty
Young Friends of the Treaty
Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity

Ecuadorian organisations

Unión de Afectados por las Operaciones Petroleras de Texaco, Amigos de la Tierra Ecuador (UDAPT)
Centro De Derechos Económicos y Sociales (CDES)
Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)
FIAN Ecuador
Acción Ecológica