



General Assembly

Seventy-seventh session

Official Records

Distr.: General
6 April 2023

Original: English

Third Committee

Summary record of the 32nd meeting

Held at Headquarters, New York, on Tuesday, 25 October 2022, at 3 p.m.

Chair: Ms. Al-thani (Vice-Chair) (Qatar)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

22-24096 (E)



Please recycle



In the absence of Mr. Blanco Conde (Dominican Republic), Ms. Al-thani (Qatar), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 68: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/77/40, A/77/44, A/77/228, A/77/230, A/77/231, A/77/279, A/77/289 and A/77/344)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/77/48, A/77/56, A/77/139, A/77/157, A/77/160, A/77/162, A/77/163, A/77/167, A/77/169, A/77/170, A/77/171, A/77/172, A/77/173, A/77/174, A/77/177, A/77/178, A/77/180, A/77/182, A/77/183, A/77/189, A/77/190, A/77/196, A/77/197, A/77/199, A/77/201, A/77/202, A/77/203, A/77/205, A/77/212, A/77/226, A/77/235, A/77/238, A/77/239, A/77/245, A/77/246, A/77/248, A/77/262, A/77/262/Corr.1, A/77/270, A/77/274, A/77/284, A/77/287, A/77/288, A/77/290, A/77/296, A/77/324, A/77/345, A/77/357, A/77/364 and A/77/487)

(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/77/149, A/77/168, A/77/181, A/77/195, A/77/220, A/77/227, A/77/247, A/77/255, A/77/311, A/77/328 and A/77/356)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/77/36)

1. **Mr. Sewanyana** (Independent Expert on the promotion of a democratic and equitable international order), introducing his report (A/HRC/51/32) as transmitted by the note of the Secretary-General (A/77/180), said that multilateralism through dialogue, diplomacy, negotiation and inclusiveness, and based on collective responsibility, was the sole path for solving conflicts and maintaining international peace and security. It was hoped that the gravity of the current situation would provide much-needed impetus to find solutions to some of the long-standing issues relating to international peace and security described in the report. The Summit of the Future, to be convened in 2024, should be seen as a valuable opportunity to discuss threats to global peace and security and the realization of a democratic and equitable international order.

2. **Ms. Novruz** (Azerbaijan), speaking on behalf of the Movement of Non-Aligned Countries, said that the establishment of a peaceful and prosperous world and a just and equitable world order based on the Charter of the United Nations and international law, had always been at the centre of the goals of the Movement. During the eighteenth Summit of the Non-Aligned Movement, held in Baku in October 2019, the Heads of State and Government had reiterated that democracy was a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems. They had reaffirmed that, while all democracies shared common features, there was no single model of democracy. They had also reaffirmed the necessity of respect for sovereignty and the right to self-determination and rejection of any attempt to break down legitimately established constitutional and democratic orders. They had also expressed their conviction that international cooperation for the promotion of democracy, on the basis of respect for the principles enshrined in the Charter and those of transparency, impartiality, non-selectivity and inclusiveness, could contribute to the consolidation of democracy at the national, regional and international levels.

3. The Movement stressed the fundamental and inalienable right of all peoples, in particular in all Non-Self-Governing Territories and territories under foreign occupation, to self-determination. The exercise of self-determination by peoples under foreign occupation remained valid and essential. Strict observance of the principles of international law and the fulfilment in good faith of the obligations assumed by States was of the utmost importance for the maintenance of international peace and security.

4. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his country was a strong defender of the purposes and principles of the Charter of the United Nations and of achieving a truly democratic, egalitarian, just and equitable international order with no privileges for the economically powerful and development and peace for all. At multiple international forums, Venezuela had denounced the increase in unilateralism, whose objective was to undermine the international order, multilateralism and the United Nations system as a whole, in order to impose a hegemonic vision based on military, economic and financial power. Those were anachronistic concepts that, despite generating a global economic, social and political crisis, had currency in certain circles. They had inflicted serious damage on political dialogue and international cooperation in recent years, which had seriously affected global economic growth and the

sustainable development of developing countries in particular.

5. With the coronavirus disease (COVID-19) crisis, such tendencies had been exacerbated, with vaccine nationalism and the increase in unilateral coercive measures imposed against specific countries for political purposes. Those measures had even more dramatically affected potentially vulnerable populations, hindering access to basic goods and services such as food, medicines, vaccines and fuel. At the same time, the culture of peace was undervalued, with the promotion of armaments for civilians and racial exceptionalism and fascist ideologies, which ultimately threatened social and international cohesion.

6. Proposals had been put forward in the Committee for declarations on the right to development, on international solidarity and on the approach to pandemics. The negative impact of unilateral coercive measures on human rights had been denounced. His delegation asked the Independent Expert to share his view of those proposals and how he could use his mandate to advance them.

7. **Mr. Valido Martínez** (Cuba) said that there was an urgent need to build an international order that was more democratic and equitable, which could only be achieved through multilateralism, international cooperation and solidarity, in particular towards developing countries. The disproportionate impact of the COVID-19 pandemic on developing countries increased the inequality gap between and within countries. However, a new international order that was more democratic and equitable would remain utopian as long as unilateral coercive measures were in place. Those measures ran counter to the Charter of the United Nations and international law and hampered sustainable development. The case of the economic, commercial and financial blockade imposed on Cuba by the United States for more than six decades, which had increased during the pandemic was an example. Cuba urged the Independent Expert to continue studying the impact of coercive unilateral measures on the promotion of a democratic and equitable international order.

8. **Mr. Sahraoui** (Algeria) said that his delegation stressed the importance of the role of the United Nations in promoting a just, democratic and equitable international order that responded to the demand for peace, sustainable development and justice for all peoples of the world. Such a system should promote strict adherence to the purposes and principles of the Charter of the United Nations and international law and promote multilateral action to meet current challenges. Preserving the centrality of the United Nations to the

international system was crucial, as the Organization upheld the inherent dignity of all human beings by preventing wars, building lasting peace, promoting social and economic justice, preserving the planet and acting out of solidarity in times of disaster.

9. Algeria firmly believed in the importance of justice and cooperation in international relations and that narrow national interests should not form the basis of relations between nations and countries. Algeria therefore always advocated a new economic order that enabled all countries and peoples to attain sustainable development. He asked the Independent Expert to elaborate on his view that Security Council reform and the revitalization of the General Assembly were necessary for a democratic and equitable international order. He also asked what else the United Nations could do to promote a democratic and equitable order.

10. **Ms. Yu Kaili** (China) said that a democratic and equitable order was crucial to the promotion and protection of human rights. China called on all parties to practise true multilateralism, foster the development of a more just international order and promote strong guarantees for the enjoyment of human rights. Multilateralism was the core of the current international order and an effective path towards peace and development. The United States and other Western countries had, for political reasons, disseminated false information about other countries, had arbitrarily interfered in the affairs of States on the pretext of human rights and had imposed unilateral coercive measures in violation of the Charter of the United Nations. The international community should oppose hegemonism and bloc politics and resist unilateral sanctions and the politicization and instrumentalization of human rights issues. China was ready to work with the rest of the world to uphold the common values of peace, development, fairness, justice, democracy and freedom for all humankind.

11. **Mr. Sewanyana** (Independent Expert on the promotion of a democratic and equitable international order) said that multilateralism was important for overcoming global challenges. When the world was united and spoke with one voice, it could overcome challenges such as the COVID-19 pandemic and climate change. The delegation of Venezuela should take advantage of the Summit of the Future, which would afford an opportunity to examine the issues of global peace and security and the extent to which Member States adhered to the Charter of the United Nations. The Summit of the Future would also provide an opportunity to examine other issues that required collective and decisive solutions, such as the right to self-determination. Unilateralism could never be the solution

to the problem of the denial of self-determination, as it led to disunity and conflict. In addition, Member States should seriously consider a universal ban on the use of nuclear weapons, as they remained a threat to humankind.

12. He invited Member States to assert themselves through the General Assembly, which remained the most important body on Earth. No single State, no matter how economically or politically powerful, should override the decisions of the General Assembly. Member States should ensure that multilateralism was practised and revisit certain challenges, such as the use of veto power by certain members of the Security Council. When that veto power was used, the General Assembly should assert itself and speak up because it was important that the Security Council played its proper role. When conflicts arose, such as the conflict in Ukraine, the Security Council and the General Assembly should provide solutions. With respect to Security Council reform, therefore, the General Assembly should discuss how best to make that body more democratic, representative and responsive to global needs.

13. **Ms. Waris** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights), introducing her report (A/77/169), said that countries lost an estimated \$483 billion in revenues a year owing to cross-border corporate tax abuse and offshore tax abuses by wealthy individuals. Those losses of taxable revenue reduced the pool of resources available for investing in public services and impeded the realization of human rights and affected countries in the global North and South alike.

14. **Ms. Brossard** (Cuba) said that the redistribution of wealth generated by increasingly interconnected economies, and the use of that wealth to promote human rights and eliminate poverty and inequality, were far-reaching issues. The impact of external debt on human rights, in particular economic, social and cultural rights and the right to development, was undeniable, and COVID-19 had clearly revealed the reduced fiscal space in many developing countries for tackling global challenges. The solution to that complex state of affairs lay in reducing inequality, promoting multilateralism and strengthening international cooperation and solidarity, with developing countries in particular. However, instead of pursuing multilateralism, some countries had chosen to impose unilateral coercive measures, adversely affecting the capacity of countries to honour their human rights commitments. Cuba urged the Independent Expert to deepen her study of the impact of such measures, including the economic

blockade imposed on Cuba by the Government of the United States, on efforts to address the foreign debt and the ensuing implications for human rights.

15. **Ms. Banaken Elel** (Cameroon) said that the most important purpose of taxation was to raise resources so that Governments could deliver essential public services. Taxes collected from foreign companies were an important source of revenue for a country such as Cameroon. Unfortunately, however, individuals and businesses often neglected to declare assets or moved them around for the purposes of tax evasion or money-laundering, which affected the Government's ability to fund schools, housing, health care, social protection, law enforcement and courts. The delegation of Cameroon agreed with the Independent Expert that international cooperation and assistance would be decisive for combatting illicit financial flows.

16. Cameroon supported the creation of a global body responsible for the negotiation an international United Nations convention on tax matters. She asked the Independent Expert to share her thoughts on the potential impact of such a convention on the international financial architecture and on financing for development. She also asked what the Independent Expert thought of the discussion on the exclusive jurisdiction of the International Monetary Fund (IMF), the World Bank and other international institutions.

17. **Ms. Zinchenko** (Russian Federation) said that her delegation agreed with the observation in the report of the Independent Expert that losses in taxable revenue, including from tax evasion and money-laundering, reduced the resources available to States to fulfil their social obligations, including in the areas of health care, housing, social welfare, construction, transport, education and law enforcement. The Russian delegation also appreciated the attention drawn by the Independent Expert to the important topic of tax evasion and illicit financial flows and wished to join her appeal to States to cooperate on a global scale in combating unlawful financial flows.

18. Drawing attention to the recommendations in the report regarding the drafting of a global agreement on taxation, and the establishment of a global taxation body and of a multilateral regime for tax transparency, she said that such initiatives should be carried out by mechanisms specializing in law enforcement and that had potentially conducted investigative and operational activities in that regard. The Independent Expert should consider investigating the unlawful practice of Western countries of freezing gold reserves and other assets of third States, since it would be useful to evaluate the impact of such actions on the exercise of human rights

and the fulfilment by Governments of their social obligations. Cases in which Western States forced States technically to declare bankruptcy because they were unable to service their debts as a result of the freezing of State reserves were of particular interest.

19. **Mr. Sahraoui** (Algeria) said that foreign debt was a pressing issue for national economies, as it hindered the ability of States to ensure that all their citizens enjoyed their human rights, especially the social and economic rights that were essential to a dignified life. The economic independence of States was undermined by the need to meet creditors' conditions. For those reasons, Algeria had paid its foreign debt in advance. Moreover, it had erased the debt owed to it by a number of countries, particularly African countries, to enable them to improve their economic situation.

20. During the COVID-19 pandemic, the world had become aware of the risk posed by foreign debt. However, rescheduling of debt was not a definitive solution but only delayed the debt crisis. It was time to review the global financial architecture and ensure better cooperation based on transparency and fairness. Countries, especially in the developing world, were struggling to recover stolen assets. He asked how the creation of a global tax body could contribute to overcoming that situation and whether a refusal to cooperate in that regard could be considered a human rights violation. Furthermore, he asked whether the upgrade of the Committee of Experts on International Cooperation in Tax Matters to an intergovernmental body would help to advance discussions on new international fiscal norms and on the elaboration of an international tax convention.

21. **Ms. Yu Kaili** (China) said that her delegation found deeply concerning the issues highlighted in the report that were facing developing countries, in particular the least developed countries, such as illicit financial flows and debt distress. The impact of COVID-19 was reversing global gains, hindering the implementation of the 2030 Agenda for Sustainable Development and exacerbating inequalities within and between countries. Sound and effective initiatives to promote post-pandemic recovery and address inequalities were essential to the enjoyment of human rights, especially economic, social and cultural rights, by the people in developing countries. Staying true to the principles of joint action and fair burden-sharing, China had provided assistance to developing countries to help address their difficulties. China ranked first among the Group of 20 countries in the volume of debt service suspended. Countries and multilateral institutions should also do more to make practical contributions to debt relief for developing countries.

China supported the efforts of the international community to strengthen cooperation and unequivocally combat illicit financial flows. It urged the countries concerned to effectively fulfil their international obligations in good faith and expedite the unconditional repatriation of funds of illicit origin to their countries of origin so as not to become safe havens for cross-border crimes and illicit funds.

22. **Ms. Dabo N'diaye** (Mali) said that her delegation wished to understand the link between taxation and corruption because corruption also was a scourge that undermined the promotion of human rights. What link did the Independent Expert see between those two interconnected problems? Her delegation also wished to know how the tax initiatives proposed by the Independent Expert would contribute to the Sustainable Development Goals.

23. **Ms. Waris** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights) said that, when she was preparing her report, she could see various elements being important for different countries. Trying to piece it together was like a jigsaw puzzle: sometimes the pieces fit and sometimes they did not.

24. Early in 2022, she and other special rapporteurs had written a letter to the United States on the freezing of bank reserves in Afghanistan. They had noticed that countries subject to unilateral sanctions did not have enough assets to pay off their debts or sometimes even to pay their membership dues. A lack of money prevented them from engaging even in regional blocs, because of the prioritization of resources and how they were spent. Putting countries in the position of having to make trade-offs was causing instability and increasing vulnerability, including while countries were still going through the COVID crisis.

25. In addition to public debts, private debts were taken on by many countries with interest rates based on the credit rating used by private rating agencies. Whether a private entity should be allowed to rate a country was a big question. Should that be the evidence that was allowed to fix the interest rate that a country would have to pay? Many issues about the division between private and public needed to shift into public spaces where they could be openly discussed. To that end, the creation of a global body responsible for the negotiation an international United Nations convention on tax matters would improve democracy in the world.

26. She noted that she was currently drafting guidelines on the repatriation of State assets, which

would be presented at the Human Rights Council in March 2023. There needed to be unconditional repatriation of State assets. The control and the power placed on the repatriation of State assets was a power that should not be available to States because it was undermining human rights.

27. She would also present a report on digital systems to the Human Rights Council in March 2023. There were countries whose currencies were dropping at an incredible pace and their own citizens were speculating on digital currencies that were dropping at a lower rate. Suddenly, there was a whole money-laundering system coming into play with digital systems and it was causing concern but it was also going to end up undermining the ability of States to have resources available for the realization of rights.

28. The rescheduling of debt was not a solution but only delayed the problem. There were approximately 14 countries globally that were going to be charged a 3 per cent surcharge on their loans, which would multiply the amount of debt incredibly. While in some parts of the world, the COVID-19 pandemic had passed, it was not over at a global level, and thus the shock to developing economies would continue to be a problem unless inflation and interest rates were brought under control.

29. The least developed countries were going through an incredibly difficult time and she had been struck by the Organisation for Economic Co-Operation and Development (OECD) multilateral tax instrument that had been touted as a possible solution, but there had not been a single least developed country that was part of that conversation. It was important to understand and reflect on that, because if the least developed countries were not all included, then what was the value added of that particular space?

30. The greatest challenge to the achievement of the Sustainable Development Goals following the huge setback of COVID-19 was the lack of accessible resources, financial resources to realize human rights. The international community needed to come together to make sure that those resources were pinpointed to the people who were the poorest in the world.

31. **Ms. Hopenhaym** (Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises) said that, in its report (A/77/201), the Working Group discussed the implications of political activities by businesses, and sought to distinguish between modes of corporate political engagement that were responsible and rights-respecting and those that were likely to lead to business-related human rights abuses. The Guiding Principles on Business and Human Rights: Implementing the United

Nations “Protect, Respect and Remedy” Framework clarified the duties and responsibilities of States and businesses with respect to corporate political engagement, and were an essential resource for ensuring the respect of rights in that regard. Private sector participation in policymaking spaces needed to be transparent and responsible, because when businesses supported policies that were inconsistent with respect for human rights and failed to maintain adequate oversight, there was a significant risk of unmitigated human rights harms to individuals and communities. Like all other aspects of business operations, corporate political engagement had an impact on human rights, and as part of their due diligence responsibilities, businesses should examine the intersection between their political engagement and human rights. Businesses and Governments needed to identify the potentially negative impacts of their decisions, and take steps to prevent and mitigate risks, while assessing alternative options.

32. Across geographies and industries, States and multilateral institutions had not done enough to ensure that businesses aligned their political engagement activities with their human rights responsibilities. In a similar vein, businesses had largely failed to adequately assess the human rights implications of their political activities and take action to prevent, mitigate and remediate associated harms. Those harms were well documented and widespread, and occurred in various industries worldwide, as a result of the privatization of public services; the lack of remedy for victims of business-related human rights abuses; weakened regulations and enforcement of frameworks for the protection of the environment and the rights of workers; and the weakening of democratic institutions and processes.

33. Corporate political engagement included several types of activities undertaken by businesses to influence policymakers and political processes, academia and the sciences, public narratives around political issues, and the judiciary. Those activities could have legitimate applications, but they could also lead to human rights abuses when carried out irresponsibly. In some cases businesses knowingly ignored the human rights risks associated with political engagement in order to serve their own interests, and in other cases, they were genuinely unaware of the human rights implications of their political activities, due to a lack of due diligence on the matter. After exploring best practices in the area of corporate political engagement and the ways in which the latter could lead to unmitigated human rights harms in the absence of adequate due diligence, the Working Group recommended that States should: educate

businesses on the need to conduct human rights due diligence; enact mandatory human rights due diligence legislation that was applicable to the corporate sector; enact mandatory lobbying registers and disclosure requirements; ensure balanced consultations with all stakeholders during policymaking processes; and enact conflict-of-interest laws and other asset disclosure systems for government officials and regulators. The recommendations for businesses would be further explored at a later time.

34. **Mr. Forax** (Representative of the European Union, in its capacity as observer) said that the European Union and its member States welcomed the comprehensive approach taken by the Working Group towards all stakeholders in assessing the actions of businesses and Governments, and actively supported efforts to implement the Guiding Principles on Business and Human Rights as the first internationally agreed standard for preventing and addressing business-related human rights abuses. Some States members of the European Union had already introduced national due diligence rules, and discussions were ongoing on a proposed European Union directive on corporate sustainability due diligence. His delegation welcomed the emphasis placed in the report on corporate engagement with political processes and the human rights implications of such activities. Meaningful consultations with relevant stakeholders and their engagement in political decision-making processes were important, since businesses and their representatives could provide Governments with valuable information. However, there was a need to ensure the transparency of those engagements, in keeping with the responsibility to respect human rights, and any information on how States could be more effective in seeking balance between regulatory measures and soft law instruments would be welcome.

35. **Ms. Bouzid** (Morocco) said that her delegation had taken note of the fact that the private sector was an important stakeholder, whose engagement in political processes could be fruitful. Governments created new regulations that could affect businesses, and political leaders often made decisions that impacted labour laws and taxes, which, in turn, influenced businesses. Companies could therefore play a role in developing and implementing regulations and policies. Her delegation wished to learn about best practices for strengthening capacity-building and ensuring continuous training for business managers and employees, who might not be able to effectively participate in politics. Furthermore, any recommendations on how business profits could be separated from participation in politics, while preserving

corporate credibility and political neutrality, would be welcome.

36. **Ms. Garcia** (Luxembourg) said that her delegation believed that as part of their duty to protect human rights, States had an obligation to ensure that the political engagements of businesses remained transparent. In order to regulate lobbying practices, the parliament of Luxembourg had introduced a transparency register, which was publicly accessible and provided for the prior registration of any contact with extraparliamentary persons seeking to influence legislative deliberations or the parliamentary decision-making process. During debates, members of parliament were also required to mention if contact with a person listed on the register was likely to have an impact on the law under discussion. Her Government had adopted two codes of ethics for high-level office holders, including members of the Government, which contained a set of new rules focused on training and sensitization, strengthening reporting obligations prior to taking office, ensuring the transparency of interviews with lobbyists and developing a framework for those leaving office. Luxembourg looked forward to welcoming the Working Group and to a constructive and fruitful exchange on the protection and promotion of human rights within businesses, both in Luxembourg and elsewhere.

37. **Mr. Mohd Zim** (Malaysia) said that his delegation wished to provide clarifications, in order to address the misunderstanding that had arisen with respect to the use of public relations campaigns by the Malaysian Palm Oil Council to mask certain concerns. The palm oil sector employed more than 3 million Malaysians, including those from vulnerable groups, and his Government was committed to ensuring sustainability and the protection of human rights in that industry. A national sustainable palm oil scheme had been developed and implemented by 96 per cent of the industry, and a tracing process had been made mandatory for the maintenance of certification status. To protect and address concerns about labour rights, his Government had amended relevant laws, in order to ensure that employers took better care of their employees, and had launched a national action plan on forced labour. An online system had also been introduced to enable employees to lodge complaints if they felt deprived of certain rights.

38. Despite the aforementioned efforts, misinformation about palm oil persisted, threatening the livelihoods of those who relied on the sector for subsistence and making it necessary to conduct public awareness campaigns. Those campaigns were not intended to mask concerns about Malaysian palm oil, but rather, to educate the public on the measures taken to ensure the

sustainability of the sector, in full compliance with human rights obligations, and they reflected the commitment of his Government to address issues in the industry. Malaysia would continue to work with all relevant stakeholders to protect the rights and well-being of those employed in the palm oil sector.

39. **Ms. Mejia** (Switzerland) said that her delegation wished to know if any specific activities had been planned to promote the sharing of best practices for ensuring that the political engagements of businesses were in line with the Guiding Principles on Business and Human Rights. Any political engagement on the part of a business, whether legitimate or not, should be compatible with its human rights responsibilities. At the same time, States needed to safeguard their independence from any undue influence, in order to fulfil their duty to protect human rights, including in business activities. Conflicts of interest were to be avoided and the utmost transparency was needed in the political decision-making process. Her Government had adopted an anticorruption strategy containing measures aimed at promoting transparency in the political decision-making process and avoiding conflicts of interest. Switzerland encouraged human rights and anticorruption experts to exchange their knowledge and experience, with a view to learning about international instruments and how they could be used.

40. **Mr. Venancio Guerra** (Portugal) said that his delegation was ready to engage constructively in ongoing negotiations for a new legally binding instrument on business and human rights. Globalization, digitalization and conflict had increased the risk of business-related human rights abuse, and a legally binding instrument would be effective in preventing such abuse or ensuring accountability and remedy for victims when such abuse took place. The Guiding Principles on Business and Human Rights continued to play a crucial role in the setting of global standards and had inspired Portugal to develop its first ever national action plan. His delegation welcomed the report of the Working Group and agreed that businesses should exercise human rights due diligence when engaging in the political sphere, by aligning their lobbying activities with their human rights commitments. Discussions had been under way in the Portuguese parliament on how best to regulate lobbying activities and the legislative process was expected to start shortly. Any advice on how States could integrate a human rights perspective into their legislation would be greatly appreciated.

41. **Ms. Servat** (France) said that her delegation supported the establishment of common rules to promote respect for human rights by businesses, throughout their value chains. While some States,

including France, had adopted similar rules from very early on, the issue had become one of fair competition. France had adopted pioneering legislation on the duty of care for parent and principal companies, and was using its experience in the matter to contribute to ongoing negotiations within the European Union on a draft directive on the duty of care. Her delegation supported the implementation of the Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, and wished to know how the work of the Working Group could benefit that of the Geneva-based open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.

42. **Mr. Kenneally** (Ireland) said that far-reaching legislative proposals on mandatory human rights and environmental due diligence were being developed at the European level. At the same time, the report of the Working Group was a valuable contribution to the evolving landscape of business and human rights, and the Working Group was continuing to encourage and assist States in all regions in the development of national action plans. Ireland had finalized the review of the implementation of its inaugural national action plan and the report would be a useful tool as his Government considered the next phase of policy development. It was vital to ensure meaningful and balanced consultations between corporations and other important actors, such as civil society organizations, and it would be useful to have examples of such consultations, along with suggestions on how best they could be promoted and achieved.

43. **Ms. Hamilton** (United States of America) said that the Guiding Principles on Business and Human Rights reflected an important global consensus on the duty of States and businesses to protect and respect human rights. Her delegation acknowledged corporate influence in the political and regulatory sphere, including in the United States of America, and wished to underscore the ways in which that influence could put human rights defenders at risk. Abusive lawsuits that sought to silence human rights defenders were particularly concerning, since the latter's safety was paramount for the respect and implementation of the Guiding Principles. The inclusion of diverse stakeholders in policy formulation was the best way to ensure effective and balanced policy outcomes, and the protection of human rights defenders helped to make such inclusion possible. In that connection, her delegation wished to know how the Working Group planned to address the protection of human rights defenders and the use of abusive lawsuits against them.

44. **Ms. Zinchenko** (Russian Federation) said that it was timely for the Working Group to observe in its report that corporate political engagement without due consideration for human rights seriously harmed the enjoyment of such rights. The specific examples of corporate involvement in politics and lobbying provided in the report were interesting, but the Russian delegation wished to receive additional examples of unprincipled lobbying or competition and to know whether those constituted violations of citizens' economic and social rights. Blowing up gas pipelines at the bottom of the sea at the cost of millions, or perhaps billions of dollars, might be a good example of such actions, since suppliers of liquefied gas would subsequently have an undeniable competitive advantage in the market compared with suppliers using the pipelines.

45. Her delegation agreed with the authors of the report that the Guiding Principles on Business and Human Rights were instrumental in ensuring that businesses engaged in political processes did not adversely affect human rights. The Guiding Principles must be implemented at the national level, and the fact that States and corporations were increasingly assuming the responsibility to incorporate them confirmed their universality and their importance in improving the human rights situation worldwide. Similarly, Russian business figures understood that by improving factors related to sustainable development, companies reduced their risks, strengthened their competitiveness, enhanced their reputation and positively contributed to economic and social development.

46. **Ms. Yu Kaili** (China) said that her delegation had serious concerns about the reference in the report of the Working Group to the fact that the largest United States industry association had contributed to human rights abuses, through lobbying activities, among others. During the COVID-19 pandemic, many American companies had laid off employees on a large scale, and unemployment had surged among women and minorities, highlighting persistent discrimination and inequalities within the American society. Forced labour was a serious problem in that country, since thousands of people were trafficked every year into the United States of America for that purpose, and was widespread in many industries, including domestic work, agriculture and farming. The United States of America needed to acknowledge and reflect on its own human rights shortcomings, take action to address those shortcomings, and stop inventing human rights issues in Xinjiang. Furthermore, it should stop endangering human rights under the guise of human rights, breaking rules under the guise of rules, and trampling on laws under the guise of laws. China called on the Working

Group to pay attention to the aforementioned issues in the United States of America.

47. **Mr. Altarsha** (Syrian Arab Republic) said that business enterprises and multinational corporations had been excluded from his country as a result the economic blockade and illegal sanctions imposed on it. If the illegal sanctions were lifted, his country might have something more to say.

48. **Ms. Hopenhaym** (Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises) said that, with regard to the smart mix of measures, and based on the Guiding Principles on Business and Human Rights, States were encouraged to develop a set of measures to protect human rights in the context of business activities, including national action plans, public policy on business and human rights, national regulations and mandatory measures. States would also continue to receive the support of the Working Group for their efforts to strengthen the institutions responsible for monitoring the implementation of those measures. The Working Group supported the discussions and negotiations scheduled to take place in Geneva on a legally binding instrument on business and human rights, had provided concrete comments on the text, and would be represented in those negotiations at the expert level.

49. The Working Group was closely monitoring all developments relating to mandatory due diligence, was aware of the creation of laws in that regard by several States, and was following discussions within the European Union about the new corporate sustainability directive, to which it have provided its own input. All States were encouraged to have similar discussions internally and to consider the smart mix of measures required in their own contexts, with a view to protecting human rights and preventing human rights harms relating to corporate, political and regulatory engagement. While it was important for companies and other relevant stakeholders to participate in national discussions, their participation needed to be regulated, since it could otherwise lead to undue influence or inadequate practices, which could in turn enhance the risk of human rights abuses.

50. The report of the Working Group had provided examples of how lobbying activities could be regulated and conflict of interest laws could be developed, and included examples of best practices in terms of transparency, which was a very important component of human rights protection, particularly in the context of corporate engagement in public policy development. Consultations with all stakeholders needed to be

meaningful and balanced, and should be held in participatory, inclusive and diverse spaces, to allow for maximum participation in policy and regulatory matters. To that end, the safety of human rights defenders needed to be guaranteed and the Working Group had developed different reports and guidelines in that regard, including guidelines on the protection of human rights defenders in the context of business activities, which had been published in July 2021. Furthermore, the Working Group had also presented a report on corruption and its links to business and human rights, which could complement existing reports, since it addressed practices that were not necessarily economic crimes, but which could influence political and regulatory discussions.

51. The Working Group had taken stock of the advances made since the adoption of the Guiding Principles on Business and Human Rights in a report published in 2020, and a road map for the following decade had been published in 2021. Mandated visits would be made to Luxembourg, Liberia and Argentina, and the Working Group had organized different regional forums with other United Nations agencies, in addition to its upcoming annual forum on business and human rights, which would focus on rights holders. All Governments were encouraged to attend the forum in Geneva, and all delegations were invited to take part in an in-depth discussion of the report with State representatives on the following day.

52. **Ms. Heyzer** (Special Envoy of the Secretary-General on Myanmar) said that the political, human rights and humanitarian crises were taking a catastrophic toll on the people of Myanmar, and had serious regional implications. While a significant portion of the population was living below the poverty line and grappling with food insecurity and internal displacement, the military forces were continuing their disproportionate use of force with aerial bombings, attacks on civilian structures and the killing of civilians, including children. The plight of the Rohingya people and other displaced communities remained desperate, with many seeking refuge through dangerous land and sea journeys. Military clashes had escalated across borders, thereby endangering all communities and preventing their sustainable return from countries such as Bangladesh, which continued to bear the burden of hosting approximately 1 million Rohingya refugees.

53. A coordinated international strategy was needed to engage all stakeholders in an inclusive, Myanmar-led process of democratic transition. The United Nations was leading efforts to support a return to civilian rule, based on the following conditions: the cessation of aerial bombings and the burning of civilian

infrastructure; the delivery of humanitarian assistance without discrimination; the release of all children and political prisoners; a moratorium on executions; the protection of and access to Aung San Suu Kyi; and the creation of conducive conditions for the voluntary, safe and dignified return of Rohingya refugees. Women and youth in refugee camps had made it clear that they needed to be engaged directly in discussions and decisions about their future, in order to protect and guarantee their rights to citizenship, freedom of movement and security.

54. Cooperation with the Association of Southeast Asian Nations (ASEAN) and all stakeholders would be strengthened to find concrete ways of reducing the suffering of the population, and since many more people would be forced to flee the violence, ASEAN would be encouraged to develop a regional protection framework for refugees and displaced persons. Such a framework had become even more urgent, in the light of the forced return of some Myanmar nationals. Rohingya refugees needed access to education and skills development to prepare for their future, and collaborative efforts would be undertaken with the leaders of neighbouring countries, ASEAN and the Organization of Islamic Cooperation to that end. Key ethnic armed organisations and the National Unity Government had jointly appealed for an inclusive forum to be convened, to facilitate the provision of humanitarian assistance and protection to all in need. A women and peace and security platform had also been launched to highlight the needs of women affected by the conflict in Myanmar, and their leadership as agents of change.

55. **Mr. Tun** (Myanmar) said that the military had committed serious human rights violations, which amounted to crimes against humanity and war crimes. Among their more recent barbaric acts were two attacks on a school, which had left 13 people dead, including seven children, and a musical concert, which had killed approximately 100 persons, including women and children, and left many more injured. The injured persons were in urgent need of medical care, without which the death toll would certainly rise, and the international community needed to take decisive and timely action to save lives.

56. With regard to the sham elections being planned by the military junta, the latter had neither a legal basis nor popular support, and was attempting to gain some form of legitimacy by holding sham elections. The situation was further exacerbated by the fact that the military had no legal authority to organize elections; had been holding elected political leaders hostage and could not be trusted to organize free, fair and independent elections; and had effectively destroyed the rule of law

and stamped out independent media and civil society. Furthermore, military-controlled elections could never be a short- or long-term solution to the crisis, since they would never lead to genuine democratic transition. Instead, such elections would only lead to greater instability in the country and region, and to permanent military control with total impunity. There would be no guarantee for the safe and dignified return of the Rohingya refugees, and the people of Myanmar, especially ethnic minorities, would remain at risk of military atrocities unless the military was held accountable and subject to democratic oversight.

57. The only sustainable solution to the situation in Myanmar was irreversible transition towards a federal democracy, for which a road map had been developed, based on the federal democracy charter. That charter reflected the commitment of stakeholders to build a new federal democratic constitution founded on fundamental rights and inclusion. For the transition to genuine democracy to be effective, the people of Myanmar needed protection, humanitarian assistance, the cessation of military impunity and concrete support from their neighbours, region and all States Members of the United Nations. Measures such as an arms embargo and targeted sanctions should be put in place against the military regime, and meaningful engagement was needed with the Government, emergency relief operations and local civil society and non-governmental organizations. Evidence compiled by the Independent Investigative Mechanism for Myanmar should be forwarded to the International Criminal Court (ICC), and accountable judicial and security institutions needed to be established. The mandate of the Special Envoy needed to be broadened, and suggestions on how Member States could make that mandate more effective were welcome.

58. **Mr. Chindawongse** (Thailand) said that the instauration of peace, stability and prosperity in Myanmar were very important to his delegation, which called on all relevant parties to take meaningful steps towards the de-escalation and cessation of violence, and to begin engaging constructively to find peaceful political solutions that would benefit the people of Myanmar. Thailand urged all relevant actors to ensure that the basic human rights of the people of Myanmar were respected. Diplomacy and dialogue were key elements of conflict resolution, as opposed to alienation, and ASEAN was well placed to help create an environment conducive to peaceful political resolution in Myanmar. The international community should support the role of ASEAN, redress the violence perpetrated and seek feasible means and modalities for putting an end to the fighting.

59. The work of the United Nations and the Special Envoy of the Secretary-General on Myanmar should be carried out in collaboration with and complement that of ASEAN, and that collaboration should include the building of trust between and among all stakeholders. ASEAN stood ready to support the efforts of the Special Envoy. No party should feel like it would be at a disadvantage and, given the long and complex history of conflict and violence in Myanmar, there could be no simple or extraneous answer. Reform and peaceful political resolution were processes and the real winners at the end of those processes should be the people of Myanmar. It was critical to provide adequate and timely humanitarian assistance, without politicization, and, while Thailand had already contributed to efforts to increase food security and donated COVID-19 vaccines, it was prepared to do more.

60. **Mr. Forax** (Representative of the European Union, in its capacity as observer) said that the human rights situation in Myanmar was dire and internal shut downs had significantly limited access to information and the ability to provide humanitarian assistance. The European Union stood with the people of Myanmar, including the Rohingya and other minorities, and would relentlessly pursue accountability for the crimes committed by the military junta and the armed and security forces. His delegation fully supported the work done by the Independent Investigative Mechanism for Myanmar and ICC, and noted that the International Court of Justice (ICJ) had found the Gambia's application under the Convention on the Prevention and Punishment of the Crime of Genocide to be applicable.

61. The European Union continued to support the five-point consensus adopted by ASEAN, but was concerned by the lack of progress in its implementation. In collaboration with the Organization of Islamic Cooperation, his delegation hoped to be able to present to the Committee a joint draft resolution addressing the continuing violations and abuses of human rights in Myanmar, including those committed against the Rohingya and other minorities. Dialogue with all parties remained essential for restoring the path towards democracy, and it would be interesting to know if the Special Envoy saw any perspectives in that respect. Like ASEAN and other organizations, the European Union had appointed a special envoy on Myanmar, and an assessment of their cooperation would be appreciated. He would also welcome an assessment of the coordinated delivery of aid, in the context of humanitarian assistance.

62. **Ms. Padmasari** (Indonesia) said that her delegation welcomed discussions aimed at finding a durable solution for the crisis in Myanmar and protecting the human rights of all affected communities,

including ethnic and religious minorities. The cessation of hostilities and the full and effective implementation of the five-point consensus should continue to be top priorities, along with the inclusive participation of all stakeholders, in order to attain sustainable peace in Myanmar. Efforts should be taken to guarantee the safe and well-targeted delivery of humanitarian assistance. Indonesia was fully committed to restoring peace and stability in the region, and stood ready to work with the international community to support the ASEAN-led efforts in that regard. Information on how ASEAN could cooperate with the United Nations to synergize efforts to facilitate the resolution of the crisis should be provided.

63. **Mr. Dinger** (United States of America) said that his delegation condemned the continued repression carried out by the military regime, and called for coordinated action and an international arms embargo to deprive the military of weapons and revenues. The continued transfer and sale of arms by Member States needed to stop. The military had shown no willingness to cooperate with the international community, having repeatedly dismissed the efforts of ASEAN and its five-point consensus, blocked the delivery of humanitarian assistance and inflamed tensions by executing pro-democracy activists. The United States of America was deeply concerned by the military plan to hold elections in 2023, amidst the deepening repression of political opposition, since free and fair elections would be impossible while political candidates were being killed, imprisoned or forced to flee the country, and those elections would possibly lead to greater violence. The international community needed to take strong action to support the people of Myanmar, prevent further atrocities and advance the democratic transition. The civil society, ethnic communities and pro-democracy groups of Myanmar, including the National Unity Government, were willing partners and should be meaningfully supported by the international community. It would be useful to learn what further actions the international community could take to restrict the supply of arms to the military.

64. **Mr. Elizondo Belden** (Mexico) said that his delegation was troubled by the intensity of the military violence, the violation of the human rights of the civilian population, and the increased tensions between the armed forces of Myanmar and the Arakan Army, in Rakhine State. The root causes of the situation needed to be addressed, in order for the most vulnerable communities to receive the protection they needed. In that connection, it was important to create the conditions required for the voluntary, dignified and safe return of the Rohingya people to Myanmar, which would entail

the implementation of the five-point consensus developed by ASEAN, and particularly the cessation of violence, the unimpeded delivery of humanitarian assistance throughout the country and the implementation of the recommendations of the Advisory Commission on Rakhine State. The Special Envoy should indicate how the work of the Committee could help to strengthen her mandate.

65. **Ms. Oehri** (Liechtenstein) said that her delegation shared concerns about the humanitarian situation in Myanmar and wished for more information on current challenges, in terms of humanitarian assistance and access. Further details on the implementation of the General Assembly resolution adopted the previous year and, in particular, on the provisions regarding the arms embargo, would also be welcome. Liechtenstein echoed calls for the Security Council to pass a resolution imposing an arms embargo on Myanmar, in addition to other targeted sanctions, and to refer the situation in Myanmar to ICC. Such a decision should be adopted before the upcoming ASEAN summit, in order to express political support for ASEAN. Accountability for the crimes committed remained essential, and her delegation supported the intention of the National Unity Government to ratify the Rome Statute of the International Criminal Court, and welcomed the decision of the ICC Prosecutor to open an office in Cox's Bazar. More details on how the Special Envoy was working to support the foregoing initiatives would be appreciated.

66. **Mr. Martinet** (France) said that his delegation remained deeply concerned about the human rights situation in Myanmar, and had strongly condemned the military coup in 2021 and all of the ensuing human rights violations. France urged the military forces in Myanmar to put an end to those violations, restore the rule of law and initiate a sincere and inclusive democratic process, and would continue to promote the fight to end the impunity of those responsible for committing crimes against the civilian population. The responsibility of the military junta was blatant, and its actions were a threat to regional stability. The political crisis brought about by the coup had worsened an already critical humanitarian situation, resulting in the forced displacement of approximately 1 million more people, in addition to the millions of Rohingya refugees who had been forced to flee their homes in 2017. France affirmed its solidarity with the people of Myanmar and urged the military junta and the so-called governing authorities to cease their violence and cooperate with the mechanism of the United Nations.

67. **Mr. Abdullah** (Bangladesh) said that his country was directly and severely affected by the situation in

Myanmar, and remained committed to finding a lasting solution to the crisis. While his delegation commended the efforts made by the Special Envoy during her recent visit to Cox's Bazar, it deeply regretted that she had not been able to go to Rakhine State, where there was increased conflict between the military and the Arakan Army. That conflict was cause for growing concern, since it could further deteriorate regional stability through new displacements. To ensure accountability, Bangladesh called on Member States, the United Nations system, civil society and the stakeholders in Myanmar to support and cooperate with the ongoing accountability mechanisms of ICJ and ICC. Following her interactions with the Rohingya refugees, the Special Envoy should elaborate on her intended message to the United Nations, and to the Security Council in particular, to ensure the protection of civilians who were displaced and willing to return. Furthermore, his delegation wished for further details on how the Special Envoy planned to ensure synergy with other envoys for Myanmar.

68. **Ms. Inanç Örnekol** (Türkiye) said that her delegation commended the efforts of the Special Envoy to keep the situation in Myanmar and the Rohingya issue high on the agenda of the international community, and welcomed her recent visit to Myanmar and the region, which would hopefully bear fruit in the near future. Her engagement with the parties in the country to restart the political process was a positive step. Türkiye firmly opposed any type of coup d'état or military intervention in politics, strongly condemned the military coup of 2021, and was deeply concerned by the rapidly deteriorating human rights and humanitarian situation in Myanmar. Her Government had joined various international initiatives and platforms, with a view to bringing attention to the matter, and attached great importance to the involvement of the United Nations mechanisms in addressing the situation and supporting ASEAN.

69. The conditions of the Rohingya population living in Myanmar needed to be improved and efforts to find a viable solution to the crisis should be continued, since recent developments could seriously diminish the prospects of a voluntary, safe, dignified and sustainable return of Rohingya refugees from Bangladesh to Myanmar. The Government of Bangladesh was to be commended for having opened its doors to innocent civilians, and for hosting them for over five years. The Special Envoy should explain how her mandate could be supported, in order to break the vicious cycle of violence.

70. **Mr. Mohd Zim** (Malaysia) said that his delegation was concerned by the plight of the Rohingya and other

displaced communities from Rakhine State, which had been exacerbated by the military coup in 2021, resulting in the internal displacement of an additional 1 million people and leading thousands more to flee to neighbouring countries, including Malaysia. His Government supported efforts to find a solution to the crisis in Myanmar, including the five-point consensus of ASEAN, and called on the international community to actively support efforts to end the violence and improve the situation on the ground. Malaysia commended the initiative of the United Nations to address the humanitarian crisis by scaling up its response, but lamented the funding shortfall and acknowledged the importance of access. It would be interesting to learn what strategies were being employed by the Special Envoy to ensure access and timeliness in the delivery of humanitarian aid.

71. **Mr. Geisler** (Germany) said that the human rights situation in Myanmar had further deteriorated and reached a low point, with the execution of four members of the opposition and killing of dozens of civilians. The armed forces were called upon to immediately cease all violations of human rights and humanitarian law, release all political prisoners and take specific de-escalatory steps. His delegation applauded activists, human rights defenders, aid workers, community leaders, journalists, health-care professional and educators, who were risking their own lives to alleviate the suffering, document the atrocities and provide humanitarian aid. Germany supported the five-point consensus developed by ASEAN, since it provided the means of reaching a solution through dialogue, and was deeply concerned about the lack of progress in its implementation. It was strongly committed to improving the situation of Rohingya refugees and would not relinquish the goal of their safe and voluntary return under the best conditions possible. Furthermore, his Government supported the efforts of the Independent Investigative Mechanism for Myanmar and would be intervening in the genocide case before ICJ. Further guidance on how ASEAN could be supported in the implementation of the five-point consensus, and on how the military violence could best be reduced would be appreciated.

72. **Ms. Zinchenko** (Russian Federation) said that all parties must show restraint and not escalate the violence or further polarize public sentiments in Myanmar. The Naypyidaw regime, for its part, should affirm its commitment to the Constitution, since that set an end date for the period of emergency rule. The intention to hold parliamentary elections in 2023 was also a stabilizing factor that would strengthen the predictability of the country's political situation, but it was worrying that the opposition radical group

continued to undermine efforts to restore peace in the country.

73. The international community must help to normalize the situation in Myanmar without interfering in its domestic affairs. The policies supported by a number of States to threaten and exert pressure on Myanmar through sanctions served only to spur on extremist elements to perpetrate violence, usually against civilians. The Russian delegation also had a negative view of the continued use by some countries of multilateral platforms, especially the United Nations, to politicize the situation in Myanmar and make discussions on the topic confrontational. The Russian Federation supported the ambition of ASEAN to explore different ways to address the situation in and around Myanmar, including to resolve the humanitarian issues by providing assistance to those in need. Collective efforts by ASEAN to implement the five-point consensus should be based on close cooperation with the Naypyidaw regime.

74. **Ms. Dale** (Norway) said that her delegation was deeply concerned about the deteriorating situation in Myanmar, the escalating violence against civilians and the impact on women and children in Rakhine State and elsewhere. There was a need to remain focused on the dire situation of marginalized groups, including the Rohingya population. Efforts to engage all stakeholders, including ASEAN, were appreciated, and strong collaboration between the latter and the United Nations was essential. Norway supported the work of the Special Envoy, and in particular, her work on the women and peace and security agenda, and wished to know how it could better foster regional involvement in its implementation.

75. **Mr. Magosaki** (Japan) said that his delegation was deeply concerned by the lack of action to improve the human rights and humanitarian situation in Myanmar in the wake of the coup, and deplored the recent attacks on civilians, including pro-democracy activists, as well as the continued detention of Aung San Suu Kyi and other persons, despite repeated international calls for their release. Those actions had only enflamed the conflict and further isolated Myanmar from the international community. Japan would continue to support the efforts of ASEAN to improve the situation, and strongly urged the military forces of Myanmar to work towards the peaceful resolution of the situation by taking concrete actions to immediately stop the violence, release detainees, restore the democratic political system and implement the five-point consensus put forward by ASEAN. Japan hoped that the human rights and humanitarian situation in Myanmar would improve in a manner that reflected the will of the people, and was

prepared to assist the Special Envoy in the carrying out of her mandate. In that regard, any suggestions on how Member States could support the Special Envoy would be appreciated.

76. **Ms. Yu Kaili** (China) said that her delegation looked forward to the return of peace and stability in Myanmar. China had always maintained an objective and impartial approach by engaging actively with all parties in the country and making every effort to facilitate talks between them. Her delegation supported ASEAN in its handling of the issue and encouraged the international community to respect the sovereignty, political independence, territorial integrity and national unity of Myanmar, while helping all stakeholders to move towards dialogue and reconciliation, in keeping with the interests and wishes of the people. A proper solution should be found within the constitutional and legal frameworks of Myanmar.

77. In the light of the enduring impact of the COVID-19 pandemic and the urgent and sustained need for humanitarian assistance in Myanmar, it was vital to ensure the accessibility and effectiveness of that assistance. China would continue to provide Myanmar with COVID-19 vaccines through bilateral and multilateral channels, and move forward with joint vaccine production. The solution to the Rohingya issue required amicable discussions between Myanmar and Bangladesh, and both countries had been communicating on the repatriation issue through the relevant mechanisms. Significant progress had been made towards realizing a first batch of repatriations and China would continue to make positive efforts to that end.

78. **Ms. Heyzer** (Special Envoy of the Secretary-General on Myanmar) said that the mandate of the Special Envoy had been created immediately in the wake of the 2017 events that had affected the Rohingya community. That population remained a central part of the mandate, since Bangladesh had been hosting over 1 million refugees for more than five years and the situation was not sustainable. Accordingly, it was important for the international community to find ways of supporting Bangladesh, while ensuring conducive conditions for the return of the Rohingya refugees, who wanted to return to their places of origin with their families. The protection and security of those refugees needed to be guaranteed, and it was important to examine how such conducive conditions could be created in Rakhine State, in the context of the overall situation in the country. Her mandate should therefore be strengthened in the context of the multidimensional crisis created by the coup. The root causes of the displacement of the Rohingya and other communities

should be considered, especially in the areas of active conflict.

79. With respect to the multidimensional crisis, it had become clear that there was a critical need to engage with all stakeholders and work in closer and more deliberate collaboration with the ASEAN Special Envoy on Myanmar. If the international community decided that dialogue and engagement were important, and that there was a need for mediation, then perhaps her mandate should also include those elements. Currently, the question of engagement with all stakeholders was not clear, and more needed to be done to build the confidence needed to respond to the will of the people and move towards a democratic transition. In the course of ongoing collaborations with ASEAN, many issues had arisen that were not necessarily addressed by the five-point consensus, including that of the Rohingya people and the best way of returning to civilian rule, in alignment with the will of the people.

80. While the solutions needed to be led and owned by the people of Myanmar, and based on their desires and needs, they also needed to be supported by regional unity. ASEAN was central to that regional unity, as were the neighbouring countries that shared borders with Myanmar. Divides needed to be bridged and a common understanding needed to be built, in order to take into account the needs expressed, especially in terms of humanitarian assistance. Although she had been asked to work with the five-point consensus, it was also very important to address the suffering of the people, and the humanitarian assistance provided as part of the five-point consensus was being channelled through the military and failing to reach those most in need. The delivery of humanitarian assistance therefore needed to be expanded, using all possible channels, including local humanitarian networks.

81. It was very important to build synergies in efforts to address the situation. She had been working very closely with her ASEAN counterpart, as well as with the Chair and foreign ministers of ASEAN, who all had emphasized the need to cooperate, in order to effectively implement the five-point consensus. The lack of progress in implementation had created some frustration, and during her visit to Myanmar, she had highlighted certain performance indicators. Specific measures had been outlined for action by the military junta, in accordance with the five points of the consensus. With regard to humanitarian assistance, the main ethnic organizations in the areas of active conflict had joined the National Unity Government to discuss a project for more inclusive delivery of aid. That project had been discussed within the different organs of the United Nations and received considerable support, and

consideration would be given to ways of including it in collaborative efforts with ASEAN, which would be the leading overall efforts with its five-point consensus. The United Nations had been able to contribute its norms and standards to the process, along with innovative strategies to help ASEAN in the area of implementation. There had also been some collaboration with the European Union and its member States, but a more coordinated international strategy remained necessary.

The meeting rose at 5.30 p.m.