

Ministerial Declaration falls prey to corporate recovery ahead of the pandemic amid crisis

Statement of the Asia Pacific Regional CSO Engagement Mechanism (APRCM) on the 2022 HLPF Ministerial Declaration

We, 610 civil society organizations from 38 countries across Asia and the Pacific, express our utmost disappointment over the recently adopted Ministerial Declaration. The Ministerial Declaration of the High Level Political Forum (HLPF) 2022 themed as “Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development” failed again to mobilize political leadership and multilateral will on either of the fronts despite the rhetorical emphasis and the sense of urgency required in the decade of action and delivery.

The lack of commitment and concerted action from the world governments poses detrimental threats to the people and planet caught amid multidimensional crises compounded by COVID-19. The UNESCAP SDG Progress Report 2022 indicates that the SDGs will not be achieved in Asia and the Pacific until 2065 given the current pace of progress. The data clearly shows that we are not on track in achieving any of the goals by 2030, some achievements have already been reversed, and in some cases the situation may even be worse than it was in 2015. The methodically analyzed projection, however, is based on the 53% sufficiently available data - notwithstanding the insufficient and the unknown constituting 47% for which neither adequate implementation nor reporting mechanisms are in place. Such a tremendous scale of unpredictability could easily push the projection for the achievement of the Agenda 2030 well into the 22nd century. The deterioration could be further aggravated by the deep seated systemic issues that continue to be the elephant in the room across negotiation processes. This is evident of the business as usual consensus-oriented Ministerial Declaration that proves to be a testament of naivety of thought and action yet again.

The failure to recognize systemic issues continues to perpetuate crises at the expense of people and the planet. The multidimensionality of these crises strategically limits country capacities to realize the transformation promised by the Agenda 2030 while Means of Implementation remain the most contentious and the least prioritized goal despite its permanence on the agenda every year. This is worsened by the neoliberal takeover of multilateral processes resulting in increased debt distress, vaccine inequity, inequalities within and among countries, militarism and conflicts, violence against women, state repression against human rights defenders, and shrinking civic spaces for democratic accountability around the world.

The Ministerial Declaration is meant to provide political leadership and guidance. However, the declaration is replete with “hollow statements” and glossed with reaffirmations, recognitions, concerns, encouragements, urges and calls but no actionable recommendations that Member States or multilateral processes could be committed to recover from COVID 19 or advancing the SDGs. It does not satisfy the criteria of being “concise, focused, action oriented, forward looking and identifying priorities” (A/RES/75/290B). The inclusion of human rights and the addition of the right to development looks precisely like a tokenistic semantic expression without ensuring the primacy of human rights over any other international obligation. At the same time, the Declaration fails to mobilize impetus for other frameworks and processes such as the AAAA, Paris Agreement, SENDAI framework for DRR, the ICPD Programme of Action and Beijing Platform for Action to ensure accelerated implementation of the SDGs.

In particular, we present our analysis and recommendations on the following key issues:

Ministerial Declaration takes no concrete steps to curtail COVID-19 vaccine apartheid.

Actionable political commitments around the broad-ranging TRIPS waiver, including COVID-19 vaccines, therapeutics medication, diagnostics, and technology transfer are missing in the Ministerial Declaration. Civil society and governments in the Global South have been demanding a comprehensive TRIPS waiver, technology transfer and licensing for generic production of COVID-19 vaccines to boost the manufacturing of quality vaccines, and related diagnostics and treatment measures. Rather than guiding/demanding the WTO Ministerial Conference (MC12) on/for TRIPS waiver to address the vaccine apartheid in the Global South, it is utterly disappointing that the Declaration attests MC12 outcome that consolidates pro-corporate, anti-worker and anti-development outcomes on all major issues. Instead of a real waiver, MC12 agreed on TRIPS Plus which only grants a conditional limited flexibility on one provision; excludes all forms of IP except patents; excludes treatments and tests; and requires far more intrusive monitoring and reporting requirements than the existing rules (among other excessive restrictions).

The hegemonic influence of rich countries driven by political motives or profiteering interests of multinational corporations from the global north must not have been allowed to exacerbate vaccine apartheid in the global south caught amid several mutations of the virus in the absence of adequate diagnostic and coverage mechanisms.

The Declaration, however, falls short of mobilizing the multilateral resolve against Covid-19 upholding public health **against political and profiteering interests**. And, yet again, it acceded to unjust trade and investment agreements and partnerships with corporations that will only undermine COVID recovery as well as SDGs advancement.

Lack of sense of urgency in addressing the debt crisis

The declaration is rightly concerned with the crisis of “surging global public debt,” which has ravaged countries in the Asia-Pacific, aggravating unprecedented debt to GDP ratios across all countries, recently manifested by the Sri Lankan crisis with many in line. However, the declaration’s emphasis still rests on mere restructuring and “sound debt management,” and veers away from the needed cancellation of onerous debt burdens. The Declaration should have proposed sustainable debt responses through extensive permanent cancellations from all creditors - governments, multilateral institutions and private creditors. The Debt Service Suspension Initiative (DSSI), and the Common Framework (CF) for Debt Treatments are inadequate measures to address the tremendous debt crisis. The DSSI’s scope excluded some countries, and at best merely postponed external debt payments for a limited period while failing to mobilize private creditors who continued to profit despite shrunken fiscal capacities amid the pandemic.

We assert the establishment of a sovereign debt workout mechanism under the UN auspices instead of the Paris Club. The current Common Framework sustains the asymmetrical relations between creditors and debtor countries. It reproduced the power of the Paris Club of Northern countries to set the terms in debt re-negotiations - prolonging the chains of debt instead of breaking them.

Aside from cancellations and financial regulation to ease fiscal space, the Declaration should have committed to eradication of conditionalities and responses that strangle peoples in the global south with debt and financial crises. The DSSI and the CF, require countries to be IMF borrowers to qualify for the facility, further tying them to more loans and conditionalities, breeding austerity measures and overreliance on private capital at the expense of social spending cuts, rising consumer taxes, or greater exports of raw materials in the name of revenues to pay off debts.

We are extremely concerned as countries in the Asia Pacific amass more loans, in the name of recovery and pandemic response, from governments, International Financial Institutions such as the

IMF-World Bank, and private creditors. Ongoing financial drains through debt, amid hikes in prices of fuel and other basic goods, could risk more crises like Sri Lanka's. #

An inclusive and equitable quality education and promote lifelong learning opportunities for all lacks the roadmap within the MD

We appreciate the recognition of the impact of school closures in the context of Covid-19, however, the Declaration only encourages scaling up efforts to mitigate learning losses limited to literacy and numeracy. The region's children are facing a learning crisis, especially for the most vulnerable including the poor, the disabled, and young girls, among others, who have dropped out of the school and are at increased risk of never returning to their classrooms. COVID-19 has exacerbated preexisting learning crises in the region, with poor learning outcomes and achievements despite good enrollment statistics. The Declaration fails to emphasize concrete actions critical for learning recovery, and a transformed education system that caters to hybrid and equitable ways of learning. In the times of multiple crises of COVID-19, climate change and conflicts in the region, inclusive quality education should integrate focus on life skills and comprehensive sexuality education for all children and young people to ensure their retention as well as advancement of personal development and educational outcomes.

Ministerial Declaration Commitments around Gender Equality and Women Human Rights Remains Cosmetic

While we appreciate the recognition of multiple and intersecting forms of discrimination, Ministerial Declaration offers little concrete actionable recommendations to address regressions in gender equality outcomes especially in the context of COVID-19, and deep rooted structural gender inequality and institutionalized discrimination.

The ministerial declaration remains hollow on gender equality recommendations, especially when it comes to universal access to sexual and reproductive health and reproductive rights with no solid actions or clear pathways. The urgency of political will, equitable resources, substantive affirmative measures, and adequate accountability mechanisms. The emerging use of digital and mobile technologies, and gender divide in the new digital transformation after COVID-19, the safety of digital spaces, to combat violence against women and girls and gender diverse persons barely finds a mention without concrete actionable recommendations. The Declaration fails to recognise the intersectional risk of discrimination, harassment and violence against woman when gender discrimination is combined with ethnic or racial discrimination and in case of women with disabilities, LGBT+ women and women who live in poverty. Similarly, A care economy that recognises care workers and guarantees their labour rights, redistributes, and reduces unpaid care work for women, girls and gender diverse persons fails recognition with the MD.

The MD falls short of recognising the systemic and structural discrimination and violence, but also the gender specific challenges faced by women human rights defenders of all ages, and their protection to create a safe and enabling environment for the defence of human rights.

Ministerial Declaration Continues to Promote False Solutions for Sustainable Development

The Ministerial Declaration failed to pronounce conservation priorities while ensuring that neither communities nor their livelihoods are jeopardized in the process. The treatment of pollution of marine resources as a global issue, and the need for multi-pronged coordinated strategies galvanizing political, technological and financial support did not find adequate emphasis in the Declaration. Moreover, some of the central considerations for Goal 14 including stronger regulatory capacities required to ensure food security, disaster risk reduction, and protection of human rights were also diluted.

While the Declaration had references to Indigenous Peoples and the UNDRIP, it did not include the recognition and respect of the collective land rights of Indigenous Peoples which is at the core of SDG 15. The Declaration recognized the role of Indigenous Peoples as stewards of the forests, but failed to emphasize sustainable resource management practices and land rights of Indigenous Peoples whose lives and livelihood and continuity as peoples depend on their land and forests. The Declaration should not promote contentious approaches to forest management such as the Nature Based Solutions and Ecosystem Based Approaches as they could result in further marginalization of the Indigenous Peoples and their rights. The Declaration's failure to mobilize stronger commitment for people to live in harmony with nature is alarming. Moreover, the much emphasized Nature-Based Solutions, despite their holistic outlook, pose catastrophic implications of cementing corporate capture, causing deforestation and land grab, and affecting the indigenous communities' values to their territories of life.

We would like to reiterate that the Declaration should make a reference to **real** zero emission instead of **net** zero. The current proposed net-zero pledges are not grounded in deep decarbonisation, and instead, rely on nature-based solutions (NbS) as sinks, to sequester the carbon emissions; as well as rely on carbon-markets to deliver carbon offsets mainly in developing countries. The 'net zero' promoted by governments and corporations is an attempt to escape from their historical and current responsibilities to address climate change or to repair the loss and damage they have caused to the ecosystems and the frontline communities. This would allow them to continue to pollute as usual, even increase their emissions under the pretense of compensating for it through a number of false solutions including carbon capture and storage (CCS), and geoengineering, among others.

We are also disappointed with the Declaration's reference to the outcome of MC12 regarding fishing subsidies. WTO members were mandated to agree on reduction of fishing subsidies that have resulted in the collapse of fish stocks worldwide. This mandate also includes an affirmation that developing countries need flexibility, called special and differential treatment in the WTO, to continue fishing for sustenance and livelihoods. Unfortunately, the MC12 negotiations outcome compromised both issues and will have detrimental impacts for fisherfolk livelihoods on one hand and food security in the developing countries on the other. And in contrast, let the biggest subsidies responsible for the collapse in fish stocks globally off the hook regarding subsidy reductions. At the same time, the agreement would jeopardize small scale fishers' access to tiny subsidies that are critical for their livelihoods, and harm developing countries' rights under international law to develop this sector for sustenance and livelihoods.

The Declaration was expected to emphasize a rights-based approach to biodiversity conservation and climate change, coupled with efficient accountability mechanisms, to ensure that NbS or any other false solutions do not end up as another greenwashing project or a corporate repackaged profiteering tactic.

Ministerial Declaration Remains Silent on Militarism and Increased Funding for Military Expenditure.

We appreciate the Declaration's emphasis on *the right to self-determination of peoples living under colonial and foreign occupation*, and on the linkages of peace with justice. We reiterate our recommendation to effectively mobilize multilateral support to address foreign occupation, colonialism, militarism and conflict to protect fundamental freedoms of the people. We believe that building a peace based on social justice and accountable institutions requires ambition and decisive action to curtail the militarism of global powers that stir up conflict, to hold accountable the military-industrial complex that profits from it, and to address the country-specific and socio-cultural and politico-economic roots of national armed conflicts.

However, the declaration failed to pronounce urgent concerns about the effects of ongoing Russia-Ukraine war, which is driving rising military spending, escalating aggressive designs as well as breeding battlegrounds for great powers' competition over geopolitical interests in regions such as the Asia Pacific. The Declaration also does not highlight some of the less prioritized humanitarian crises like Afghanistan diluted by the West-dominated media, or its profiteering motives with the pretext of democratization, left ravaged after decades of US intervention driven by the corporate-military nexus pushing millions into deprivation, underdevelopment and multifaceted vulnerability. Peoples in the region remain at the losing end of militarization, rights violations, and impunity backed by global powers, from Palestine, Kashmir and Yemen to Myanmar and the Philippines. The US firms and the arms industry, meanwhile, continue to reap profits from the onslaught of war.

The Declaration also failed to reiterate the need to shift massive military expenditures towards funding human wellbeing, and investing in social development and public services for just, equitable, & inclusive governance to address several other human security considerations.

Corporate Capture of the 2030 Agenda

The overemphasized reliance on partnerships in the Declaration promotes and cements corporate capture of global public good and services. The Declaration welcomes a multi stakeholder approach, paving way for corporate takeover of governance as well as relieving the States of their primary obligation to fulfill its citizens' rights to public goods. We also reject the corporate capture of development by offering preferential seats to corporations across negotiation processes at the UN and other multilateral platforms. The repackaging of actors who have historically been part of the problem, as part of the solution today is an eyewash attempt that promotes business as usual, further deepens systemic issues and jeopardizes any prospects of development in the global south. We are concerned about the emphasis on "innovative financial mechanisms" that translate into instruments such as "SDG bonds" and ESG investing. The Financing for Sustainable Development Report 2022 admits that "ESG investment strategies were not designed to go beyond financial returns" whereas the SDG bonds rely on already-volatile capital markets, and add to countries' debts, in a time of debt crises. We underline that the capital market driven solutions are short-termist, profit-seeking, unsustainable and inconsistent with public development objectives. We demand that multilateral thought leadership processes like the Ministerial Declaration should in fact remove such inherent contradictions in our critical consciousness if the slogans of transformation, building better or sustainability of development means anything beyond rhetorical convenience. This is only possible by holding these corporations accountable for their historical responsibilities, through affirmative actions such as retrospective taxation regimes, as well as for damages to the environment and human rights violations especially in the global south.

Ministerial Declaration further cementing trade liberalization

The Declaration repeatedly emphasizes the advancement of global trade under WTO rules but clearly fails to recognize the hegemonic nature of such trade rules enabling the continued flow of wealth and resources from developing countries through illicit financial flows, tax evasions, capital flows, asset stealth, trade mispricing, and profit shifting by multinational corporations, with a detrimental effect on fiscal space in the Global South for COVID 19 recovery or SDGs advancement. The Declaration falls short of exposing WTO rules induced constraints to the COVID-19 pandemic response, despite its recognition of vaccine apartheid in the global south, and rather legitimizes a flawed narrative that current WTO rules supported the response to the pandemic. It actually promotes further liberalization as a "solution" and suggests that unilateral liberalization and deregulations measures should be locked at a standstill as a way to address pandemics further promoting privatization and corporatization.

The Declaration's acknowledgment of the WTO MC12 outcome is discouraging as it upheld corporate interests on all major issues including access to medicines, agriculture, fisheries subsidies, digital trade, and the future of the WTO itself. The outcome breeds further contentions on environmental

issues in five plurilateral agreements currently under negotiations in the WTO; much contested Investor-State Dispute Settlement restricting State policy space; secretly negotiated investment regimes exacerbating debt traps; and the expanding the role of corporations in domestic policymaking on services; and much more.

The lack of reference to the Major Groups and other Stakeholders (MGoS)

The Declaration fails to acknowledge the contribution of MGoS playing a crucial role as stakeholders in the HLPF follow up and review processes. The continued reference to the private sector only legitimizes corporate capture of the Agenda 2030 not in line with the spirit of multilateralism. The Declaration must recognize civil society contributions across planning, implementation and review processes for SDGs advancement. The 2022 Ministerial Declarations consultations with restricted virtual components seriously compromised full, equal and meaningful participation of civil society from the Global South and it requires corrective measures to ensure that voices are not left behind across deliberative processes.

Weak Linkages between the National, Regional and Global Processes

The tokenistic representation of regional concerns at the HLPF has been a longstanding concern for civil society in the Global South. Despite the gravity of multidimensional crises at the regional level and disparities in progress, HLPF does not adequately integrate regional outcomes like the Chair's Summary from Regional Sustainable Development Fora in the deliberative processes to mobilize collective reflection, concrete action as well as affirmative measures for regions most left behind on the transformative landscape. Similarly, such lack of integration also affects the reflection of regional concerns in the Ministerial Declaration negotiations, usually dominated by rich countries or blocks not representative of regional concerns. This affects the deliberation as well as the operationalization of several key imperatives including the enactment of regional tax bodies, Illicit Financial Flows countermeasures, and technology facilitation mechanisms, among others, on issues beyond strategic capacities of individual governments. The reduction of regional sessions to one component at HLPF, and the absence of the regional commission's input, is a reductive measure that compromises full reflection of regional concerns to mobilize concerted action.

Similarly, the lack of intersectional ties across processes also compromises the scope of Voluntary National Review (VNR) only focused on development obligations within national borders. Despite a regular contention over foreign occupation at the Ministerial Declaration every year, the VNRs do not feature extraterritorial obligations to advance development around the globe or accountability over aggressive designs beyond borders. The multilateral ambition requires broader complementarity blurring national borders to avoid provincialist approach to development.

The Declaration should emphasize that the VNRs can promote open dialogue among countries on collective development obligations and develop bi and multilateral synergies to advance the Agenda 2030. This should also forge collaborations across people as well as civil society organizations to exchange knowledge and best practices on several issues including the localization of the SDGs.

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