

**Meeting:** Executive Board 140

**Agenda Item:** 14.3 Engagement with non-State actors - Report by the Director-General - Document EB140/41

**Statement:**

MMI would like to take this opportunity to address agenda item 14.3. Our statement is supported by PHM and TWN.

We understand that FENSA was the result of the negotiations among Member States and therefore it made compromises on crucial issues like official relation for philanthropic foundations and international business associations. Further, FENSA gives a high degree of discretion to the Secretariat and therefore we call upon the Secretariat to exercise that discretion appropriately while carrying out the implementation in good faith as per Para 5 of FENSA.

Document EB140/41 does not provide substantial information, and clear and transparent guidance on FENSA implementation is still lacking. There has mainly been a lack of information with regard to the details of nature and type of engagements that have taken place with various NSAs since its adoption. Regarding the implementation of the FENSA regulation of “official relations”, the due diligence and risk assessment procedures described in document EB140/42 have not shown convincing results as the Secretariat has recommended Gates Foundation for official relation even though the foundation receives almost 96% of revenue from investments in equity and corporate bonds of Gates Foundations Trust. Many of these investments are in foods and beverages industry, agrochemicals, pharmaceuticals etc. and there is no arms length relation between both the Foundation and Trust.

There is still an urgent need for a comprehensive conflict of interest policy that will cover both individual and institutional conflict of interest for the effective implementation of FENSA. Lastly, we would like to point out that the Secretariat should take utmost care to avoid conflict of interest within its secretariat staff dealing at the same time with non-state actors' relations and institutional fundraising.