

# A Light in the Darkness: Mexico and the United Nations General Assembly Resolution 74/274

## *Un faro en la oscuridad: México y la resolución 74/274 de la Asamblea General de las Naciones Unidas*

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### **Abstract:**

On April 20, 2020, the United Nations General Assembly adopted resolution 74/274 entitled “International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19.” This Mexican initiative, which was endorsed by 179 Member States, was the first substantive and action-oriented decision adopted by the United Nations in the midst of the worst health crisis of our time. It was a multilateral achievement that entailed a complex negotiation process, further complicated by COVID-19 restrictions that hampered normal diplomatic practices. This article recounts the sui generis negotiation process that took place last year, with emphasis on the working methods employed, the obstacles faced by the Mexican delegation, modifications to the text and, finally, the scope of resolution 74/274, which has become even more relevant now that vaccines are available and are in the process of being distributed.

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### **Resumen:**

El 20 de abril de 2020, la Asamblea General de la ONU adoptó su resolución 74/274 “Cooperación internacional para garantizar el acceso mundial a los medicamentos, las vacunas y el equipo médico con los que hacer frente a la covid-19”. Esta iniciativa mexicana, que contó con el endoso de 179 Estados Miembros, fue la primera decisión sustantiva y orientada a la acción adoptada por Naciones Unidas frente a la peor crisis sanitaria de nuestros tiempos. Este logro multilateral vino acompañado de un complejo proceso de negociación, agravado por las restricciones de la covid-19 para el pleno ejercicio de la labor diplomática. En este artículo se narra el proceso de negociación sui generis que tuvo lugar el año pasado, haciendo énfasis en los métodos de trabajo disponibles, los obstáculos que enfrentó la delegación mexicana, los ajustes que se hicieron al texto y, finalmente, el alcance de la resolución 74/274 que cobra ahora más relevancia ante el actual proceso de acceso y distribución de vacunas.

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### **Key Words:**

Multilateral diplomacy, negotiation process, United Nations, working methods.

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### **Palabras clave:**

Diplomacia multilateral, proceso de negociación, Naciones Unidas, métodos de trabajo.

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## Introduction

On April 20, 2020, when the COVID-19 pandemic was at its height, with schools, offices, businesses and restaurants virtually the world over closed, events and flights canceled and daily life as we knew it put on hold, the streets of New York City were uncannily empty when the U.N. General Assembly adopted resolution 74/274 “International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19”.<sup>1</sup> This resolution, put forward by Mexico and endorsed by 179 Member States, was the first (and for many months, the only) substantive resolution on the pandemic the United Nations would adopt. Bearing in mind the challenges the United Nations was facing at the time, both practical and political, compounded by enormous pressure on the entire UN system to take action, especially the Secretary-General António Guterres, the World Health Organization (WHO) and the Security Council, the adoption of the resolution was no mean feat. Materializing this goal was no easy task either, requiring as it did the deployment of a very singular brand of multilateral diplomacy.

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<sup>1</sup> U.N. General Assembly, “International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19”, A/RES/74/274, April 21, 2020, at <https://undocs.org/es/A/RES/74/274> (date of reference: March 2, 2021).

In this paper, I will be discussing the unique negotiation process that took place last year, with emphasis on the working methods employed, the obstacles the Mexican delegation faced, the modifications that were made to the text and, finally, the scope of resolution 74/274, which is more relevant than ever now that vaccines are available and are in the process of being distributed.

## All hands on deck

The initiative originated with the recommendation President Andrés Manuel López Obrador made at the G20 virtual summit on the COVID-19 pandemic on March 26, 2020. Here, the Mexican president proposed that:

The United Nations intervene so that all peoples and all countries are guaranteed equal access to medicines and equipment that, due to the emergency, are being stockpiled by those who have more economic wherewithal. The United Nations should also intervene to prevent speculative purchases of medicines, equipment, ventilators, everything that is required.<sup>2</sup>

This proposal was immediately taken up by Ambassador Juan Ramón de la Fuente, Mexico's permanent representative to the United Nations, who, the very next day, instructed the Mexican delegation to get "all hands on deck". A work team was subsequently set up to cover all fronts of the initiative, from the writing up of a substantive draft resolution and the preparation of supporting documents to the design of a negotiation strategy, communication with the U.N. authorities and compliance with the applicable rules of procedure.

Given that the U.N. building was closed and the Secretariat had not yet enabled a virtual platform so work could continue, this was most definitely

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<sup>2</sup> "Versión estenográfica de la intervención del presidente Andrés Manuel López Obrador en la Cumbre Virtual de Líderes del G20", March 26, 2020, at <https://lopezobrador.org.mx/2020/03/26/version-estenografica-de-la-intervencion-del-presidente-andres-manuel-lopez-obrador-en-la-cumbre-virtual-de-lideres-del-g20/> (date of reference: March 2, 2021).

an unusual process. The reference framework for operations was established in decision number 74/544 of the General Assembly, adopted by silence procedure on March 27, 2020.<sup>3</sup> This decision, proposed by the President of the 74th General Assembly, Tijjani Muhammad-Bande, set forth a two-step procedure for the taking of decisions of the General Assembly in view of the limitations imposed by the pandemic: the President of the General Assembly, after consulting with the General Committee, was authorized to circulate draft decisions of the General Assembly to all Member States under a silence procedure of at least 72 hours. If the silence was not broken, the decision would be considered adopted and the General Assembly would take note of the decision at its first plenary meeting held as soon as circumstances allowed.<sup>4</sup> On April 9, 2020, President Muhammad-Bande circulated a document outlining “step-by-step” the practicalities of implementing decision number 74/544.<sup>5</sup> This document laid out the required contents of letters by which draft decisions/resolutions were to be submitted for consideration under the silence procedure, the consequences of objections, the process for explaining positions and the recording of revised decisions/resolutions, among other aspects. These two documents, interpreted in the context of the Rules of Procedure of the General Assembly, marked out the procedural course the Mexican initiative would have to follow.

The first resolution approved under this extraordinary procedure was 74/270 “Global solidarity to fight the coronavirus disease 2019 (COVID-19)”.<sup>6</sup> Put forward by Ghana, Indonesia, Liechtenstein, Norway, Singapore and Switzerland,

<sup>3</sup> Tijjani Muhammad-Bande, Letter from the President of the General Assembly, March 27, 2020, at <https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/03/PGA-letter-dated-27-March-on-COVID19.pdf> (date of reference: March 2, 2021).

<sup>4</sup> T. Muhammad-Bande, Letter from the President of the General Assembly, March 24, 2020, at <https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/03/COVID-19-Draft-decision-24-March-2020.pdf> (date of reference: March 2, 2021).

<sup>5</sup> T. Muhammad-Bande, Letter from the President of the General Assembly, April 9, 2020, at <https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/04/Updated-Step-by-step-procedure-for-decision-via-silence-procedure.pdf> (date of reference: March 2, 2021).

<sup>6</sup> U.N. General Assembly, “Global Solidarity to Fight the Coronavirus Disease 2019 (COVID-19)”, A/RES/74/270, April 3, 2020, at <https://undocs.org/en/A/RES/74/270> (date of reference: March 2, 2021).

and cosponsored by Mexico, it is essentially a declaration of unity in the face of the pandemic, and highlights the importance of international cooperation and multilateralism. But while it is an important (even necessary) text given the political timbre of the international environment at the time, it is not geared toward the taking of action, nor does it provide for specific measures to combat the crisis. In fact, in their explanatory letter of March 30, 2020, the coauthors said that their resolution was designed to leave the door open for subsequent resolutions on specific aspects and the taking of decisions to effectively address the crisis.

Mexico's initiative picked up the gauntlet thrown down by resolution 74/270 by focusing on a specific aspect, in the hope that the United Nations would reclaim its designated role of leader in the midst of a global crisis of such magnitude and gravity. This is why the wording of the draft resolution had a very limited scope from the outset and a very concrete technical goal: to facilitate international cooperation, with the intermediation of the United Nations, to ensure access to medicines, vaccines and medical equipment.

It should be remembered that political differences within the Security Council had made it impossible for the agency to take any assertive action to combat the COVID-19 pandemic. It was not until July 1, almost three months after the adoption of resolution 74/274, that the Council was able to adopt a resolution demanding a general and immediate cessation of hostilities in support of the plea made by the Secretary-General, given the threat the COVID-19 pandemic posed to international peace and security.<sup>7</sup> This, added to the tide of public opinion that was increasingly turning against the United Nations because of its apparent irrelevance, made Mexico's initiative all the more important and all the more pressing.

## A concise, technical text

As mentioned previously, any draft resolution/decision put to the consideration of the General Assembly had to be approved by consensus,

<sup>7</sup> U.N. Security Council, "Resolution 2532 (2020)", S/RES/2532, July 1, 2020, at [https://undocs.org/en/S/RES/2532\(2020\)](https://undocs.org/en/S/RES/2532(2020)) (date of reference: March 3, 2021).

since Member States were not physically able to cast a vote. All it would take was one single delegation of the 193 U.N. members to break the silence and the initiative would be blocked. And with each Member State entitled to a de facto veto, the bar for approval was set considerably high. The goal, therefore, was to come up with a concise, technical, action-oriented draft resolution that was as uncontroversial as possible. And so began the first phase of internal deliberations with a view to producing a text that met these criteria.

Given that the initiative would imply the involvement of the U.N. Secretary-General, Mexico kept in close contact with his office to ensure that any proposals made met with his approval and could realistically be implemented. The approach suggested by the Secretary-General in his report *Shared Responsibility, Global Solidarity: Responding to the Socio-Economic Impacts of COVID-19*, published in March of 2020,<sup>8</sup> was also taken into consideration, to ensure the draft resolution was consistent with the efforts undertaken by the United Nations up until that point.

This first phase, which consisted mainly of internal preparations, began on Friday, March 27 and ended on Friday, April 3, when the first version of the draft resolution (a preamble of six paragraphs and five paragraphs dealing with operational aspects) was circulated to all delegations and the floor opened to co-sponsorship by other Member States. And so, a week after President López Obrador made his recommendation to the G20, Mexico already had a concrete proposal to put to the United Nations.

Aside from the difficulties inherent to achieving consensus, it should also be remembered that there was no actual forum available for informal negotiations or consultations, or even to present the text—during the early days of the pandemic, the U.N. headquarters were closed and the use of virtual platforms was not commonplace, nor had the delegations come to any agreement on how these should be employed to perform the tasks of multilateral diplomacy. Neither did the U.N. Secretariat have the tools or the mandate to assist the delegations in this regard. This was an additional challenge when it came to guaranteeing the transparency

<sup>8</sup> U.N. Secretary-General, *Shared Responsibility, Global Solidarity: Responding to the Socio-Economic Impacts of COVID-19*, New York, United Nations, March 2020, at [https://www.un.org/sites/un2.un.org/files/sg\\_report\\_socio-economic\\_impact\\_of\\_covid19.pdf](https://www.un.org/sites/un2.un.org/files/sg_report_socio-economic_impact_of_covid19.pdf) (date of reference: March 2, 2021).

and inclusivity of the process. Consequently, Mexico had to keep all Member States informed, in writing, of the steps it planned to take to promote the initiative, so as to prevent it being blocked on the grounds of alleged opaqueness. To this end, it was decided a short letter should be attached to the draft explaining in detail the origin of the proposal and, more importantly, its specific objectives.

As soon as the “zero draft” was circulated, the Mexican delegation embarked on an intense process of bilateral consultations, mainly by telephone, on every level. These were an opportunity to clear up any doubts the other delegations might have with regard to the text and hear their comments. All suggestions and observations were treated with the utmost seriousness and the Mexican delegation remained open to hearing all States out, but as every diplomat who has served as a delegate at a multilateral forum knows, there is no text that would not benefit from an extra comma and no delegate who can resist the temptation to propose its inclusion. So it came as no surprise that changes were proposed to nearly every paragraph of the draft; there were even suggestions made as to the incorporation of additional ones.

But the more changes the text underwent, the more ground it tried to cover, the harder it might be to secure the consensus of the General Assembly. This demanded an exhaustive editing process during which many suggestions, valuable as they were, had to be left out, so as to keep the focus on the specific purpose of the initiative and avoid inviting any unnecessary controversy. Furthermore, at this phase, the “zero draft” already had several cosponsors and Mexico would have to justify any modifications to this group of States, in the knowledge that they had already endorsed the text originally circulated.

From a technical standpoint, this was indubitably the most complicated task, one that required a delicate touch and a generous dose of political sensitivity and diplomacy, so as to craft a text with substantive wording, as apolitical as possible, making only the necessary changes, while ensuring that all the delegations felt they had been listened to and their interests, all legitimate, taken on board, all with a view to minimizing the chances of the initiative being blocked. There can be no question this was achieved: only the modifications needed to make the draft resolution clearer were made, with the Mexican delegation demonstrating its openness and flexibility.

After four days of intense negotiations, on Wednesday, April 7, the Mexican delegation issued two communications: an initial letter to the more than 50 delegations from all regions of the world that had cosponsored the “zero draft” containing the revised version of the text and an explanation as to the changes that had been made, and a second one addressed to all Member States to present the revised text, both of which stated that the text would be formally remitted to the President of the General Assembly, Muhammad-Bande, pursuant to the provisions of decision 74/544. The next day, on April 8, 2020, Ambassador De la Fuente sent a letter to Muhammad-Bande requesting that the draft resolution, listed as L.56, be officially placed under silence for its adoption.

## A flood of initiatives

In addition to the challenges inherent to the Mexican initiative, tensions were heightened due to a sudden glut of COVID-19-related proposals, some with specific political angles; others offering up new ideas, given that it was not possible to broaden the scope of the draft resolution put forward by Mexico. For example, on March 26, Russia sent the President of the General Assembly a proposal for the adoption of a “Declaration of Solidarity of the United Nations in the Face of the Challenges Posed by the Coronavirus Disease 2019 (COVID-19),” while Saudi Arabia, along with a small group of States, circulated a draft resolution entitled “United Response Against Global Health Threats: Combating COVID-19” on April 14. These draft resolutions, one of which was put forward before and the other after Mexico circulated its initiative, led to vying texts and an atmosphere of rivalry that caused several members of the Assembly to speak of the need to “bring order” to the house. In the specific case of Saudi Arabia, because it presided over the G20, it was of the opinion that any initiative derived from the March 26 meeting should be headed by its delegation. So it was suggested that their text be fused with that of Mexico, but in the end this was not deemed appropriate in light of the weighty political content of the Saudi document.

From a practical standpoint, this had a serious political impact, since the procedure established in decision 74/544 stated that President



Muhammad-Bande could only put draft resolutions under silence after having consulted with the General Committee. This constraint, originally intended merely as a means of informing the delegations of the possible adoption of a resolution, was exploited by the Committee, which took it upon itself to decide whether or not certain initiatives merited being put under silence and, given the glut of COVID-19 draft resolutions, some members of the Committee suggested that the various proponents organize themselves and submit a single combined text.

Mexico was not a member of the General Committee, which limited any influence it might have had over these debates, but in bilateral consultations with other members, it had always argued that, pursuant to article 40 of the General Assembly Rules of Procedure, the Committee was not authorized to discuss the substance of any item.<sup>9</sup> But even though the Mexican initiative had been formally remitted for processing since April 8, the President of the General Assembly decided to wait until the Saudi text was circulated and called a meeting of the Committee on April 15 to evaluate all COVID-19 draft resolutions together. This approach was not acceptable to Mexico and was also harshly criticized by Argentina, which was a member of the Committee. This delegation turned out to be a valuable ally, arguing that the Mexican initiative, which already had 146 cosponsors, could not be treated on an equal footing with that of Russia, which was essentially a political statement, or the Saudi draft circulated the day before.<sup>10</sup>

Finally, after a meeting of the Committee, the suggestion that the different texts be combined was rejected and Mexico's draft resolution was put under the silence procedure.<sup>11</sup> It was not until April 17 that the Russian and Saudi

<sup>9</sup> U.N., General Assembly Rules of Procedure, art. 40, at [https://www.un.org/en/ga/about/ropga/ropga\\_gencttee.shtml](https://www.un.org/en/ga/about/ropga/ropga_gencttee.shtml) (date of reference: March 2, 2021).

<sup>10</sup> Argentina at the United Nations (@ArgentinaUN), "En la reunión de la Mesa de la Asamblea General, Argentina apoyó la pronta adopción de la propuesta de México", Twitter, April 15, 2020, 12:23, at <https://twitter.com/ArgentinaUN/status/1250474856191332352> (date of reference: March 2, 2021).

<sup>11</sup> U.N. General Assembly, "International Cooperation to Ensure Global Access to Medicines, Vaccines and Medical Equipment to Face COVID-19, A/74/L.56, April 8, 2020, at <https://www.un.org/pga/74/2020/04/15/international-cooperation-to-ensure-global-access-to-medicines-vaccines-and-medical-equipment-to-face-covid-19/> (date of reference: March 2, 2021).

initiatives were circulated, also under the silence procedure.<sup>12</sup> Of these three, only the Mexican one would survive the 72-hour wait without objections that was required for its adoption. On April 20, the President of the General Assembly appointed two facilitators, Ambassador Adela Raz of Afghanistan and Ambassador Ivan Šimonović of Croatia, to coordinate the other COVID-19-related proposals, which now included a third—“Strengthening National and International Rapid Response to the Impact of COVID-19 on Women and Girls”—put forward by Egypt, Algeria, China, Saudi Arabia and Zambia.<sup>13</sup>

## A 72-hour wait

Once draft resolution L.56 had been put under silence procedure, a strained 72-hour calm commenced. The Mexican delegation cautiously monitored the horizon for red flags that might point to objections and, as part of its strategy to further bolster the text and crank up the political cost of breaking the silence, efforts to get more cosponsors were stepped up. Because voting was not possible, this was the most effective means of showing express support for the text and its general acceptance. As the hours passed, more and more delegations cosponsored the initiative. In the end, the number of cosponsors totaled 179. Not only had more than two thirds of the General Assembly endorsed the draft, but only a small group of 14 delegations had not cosponsored it. This in no way implied an objection, but it was the only way of testing the parliamentary waters in these unusual times. To ensure everything ran

<sup>12</sup> U.N. General Assembly, “Declaration of Solidarity of the United Nations in the Face of the Challenges Posed by the Coronavirus Disease 2019 (COVID-19),” A/74/L.51/Rev.1, April 16, 2020, at <https://www.un.org/pga/74/2020/04/17/declaration-of-solidarity-of-the-united-nations-in-the-face-of-the-challenges-posed-by-the-coronavirus-disease-2019-covid-19/> (date of reference: March 2, 2021); UN General Assembly, “United Response Against Global Health Threats: Combating COVID-19,” A/74/L.57, April 14, 2020, at <https://www.un.org/pga/74/2020/04/17/united-response-against-global-health-threats-combating-covid-19/> (date of reference: March 2, 2021).

<sup>13</sup> President of the U.N. General Assembly, “Appointment of Co-coordinators for COVID-19-Related Initiatives,” April 20, 2021, at <https://www.un.org/pga/74/2020/04/20/appointment-of-co-coordinators-for-covid-19-related-initiatives/> (date of reference: March 2, 2021).

smoothly, monitoring efforts focused on these 14 delegations, one of which was the United States.

Throughout the drafting and revision process, the Mexican delegation had remained in close contact with its U.S. counterpart, stressing the impartial and apolitical nature of the text. It was no secret that the United States had had a tense relationship (to put it mildly) with the WHO since the beginning of the pandemic.<sup>14</sup> Then, the day before L.56 was put under silence, President Donald Trump announced that he was suspending U.S. funding of the WHO.<sup>15</sup>

Resolution 74/274 is not about the workings of the WHO, but at the end of the first operative paragraph, it recognizes “the crucial leading role” the organization plays. This acknowledgement of the WHO, which is not central to the initiative and that was in the very first draft submitted without any delegation requesting it be removed, suddenly became a “red line” the United States was not willing to cross, putting the initiative at the mercy of the political circumstances underlying relations between the United States and the WHO.

As soon as it was announced WHO funding had been suspended, the U.S. delegation contacted the Mexican delegation to report that it had instructions from Washington to break the silence, but that it wanted to explore options on a way forward under the circumstances. Its proposals, however, focused mainly on removing this reference to the WHO in the text, which would have meant suspending the silence procedure, amending the draft, recording its revision (as document L.56/Rev.1), and starting the whole process over again with the Committee and the President of the General Assembly.

Given the nature and content of the paragraph that had elicited controversy, not to mention the generalized support shown for the initiative, suspending the silence procedure and suppressing this reference was simply

<sup>14</sup> By way of reference, see Tamara Keith and Malaka Gharib, “A Timeline of Coronavirus Comments from President Trump and WHO”, in NPR, April 15, 2020, at <https://www.npr.org/sections/goatsandsoda/2020/04/15/835011346/a-timeline-of-coronavirus-comments-from-president-trump-and-who> (date of reference: March 2, 2021).

<sup>15</sup> Julian Borger, “Trump Turns against WHO to Mask his own Stark Failings on COVID-19 Crisis”, *The Guardian*, April 14, 2020, at <https://www.theguardian.com/us-news/2020/apr/15/trump-turns-against-who-to-mask-his-own-stark-failings-on-covid-19-crisis> (date of reference: March 2, 2021).

not an option. Instead, Mexico suggested the United States submit a formal explanation of position, in which, if necessary, it could disassociate itself from the paragraph in question, without blocking the adoption of the resolution. The Mission of the United States to New York claimed this solution was not sufficient and both delegations stuck firmly to their respective positions.

These postures, in principle irreconcilable, gave way to a series of bilateral exchanges and negotiations in New York, Washington and Mexico City lasting several days. To further complicate matters, the 72 hours of the silence procedure referred to business days, and since it had started on Wednesday, April 15, it would not end until Monday, April 20 at 5:00 p.m. (New York time), *i.e.* it took in two additional days of the weekend of April 18-19. The United States kept the pressure on Mexico up until the very last minute, threatening to break the silence if it did not make the changes it wanted, but Mexico stuck to its guns, saying it would defend the text as it had been recorded. Not surprisingly, its adoption was an apprehensive affair. The deadline of 5:00 p.m. on April 20 came and went and the President of the General Assembly had still not confirmed the results. It was not until almost three hours later, around 8:00 p.m., that a letter was circulated to all Member States informing them that resolution 74/274 had been formally adopted without objection at 5:01 p.m.<sup>16</sup>

The U.S. delegation immediately made an announcement disassociating itself from Operative Paragraph 1 of the resolution, stating that it was “seriously concerned with the lack of independence that the WHO has shown since the beginning of this pandemic”.<sup>17</sup>

<sup>16</sup> President of the U.N. General Assembly, “Draft Resolution Entitled ‘International Cooperation to Ensure Global Access to Medicines, Vaccines and Medical Equipment to Face COVID-19’ (A/74/L.56)”, April 15, 2020, at <https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/04/Letter-to-Member-States-on-16-April-on-COVID-19-Silence-Procedure-Resolution-L.56-Final.pdf> (date of reference: March 2, 2021).

<sup>17</sup> U.S. Mission to the United Nations, “Explanation of Position on Resolution ‘International Cooperation to Ensure Global Access to Medicines, Vaccines and Medical Equipment to Face COVID-19’”, April 20, 2020, at <https://usun.usmission.gov/explanation-of-position-on-resolution-international-cooperation-to-ensure-global-access-to-medicines-vaccines-and-medical-equipment-to-face-covid-19/> (date of reference: March 2, 2021).

The delegations of the European Union, Australia, Liechtenstein, Pakistan, the United Kingdom and Venezuela also gave explanations of position. In general, these referred to the need to improve consultation and negotiation procedures during the pandemic and highlighted specific aspects that were not reflected in the final text. No delegation, except for the United States one, disassociated from any paragraph or the resolution as a whole. And so the Mexican delegation had championed the only substantive initiative to address the COVID-19 pandemic and had done so with more cosponsors than any other in history ever put forward individually by Mexico to the General Assembly. That same day, the Mexican delegation sent a letter to all Member States thanking them for their support in getting the resolution passed.

## A new point of reference

The operative section of resolution 74/274 consists of the following five paragraphs:

*The General Assembly,*

1. *Reaffirms* the fundamental role of the United Nations System in coordinating the global response to control and contain the spread of the coronavirus disease (COVID-19) and in supporting Member States, and in this regard acknowledges the crucial leading role played by the World Health Organization;
2. *Requests* the Secretary-General, in close collaboration with the World Health Organization and other relevant agencies of the United Nations System, including the international financial institutions, to identify and recommend options, including approaches to rapidly scaling manufacturing and strengthening supply chains that promote and ensure fair, transparent, equitable, efficient and timely access to and distribution of preventive tools, laboratory testing, reagents and supporting materials, essential medical supplies, new diagnostics, drugs and future COVID-19 vaccines, with a view to making them available to all those in need, in particular in developing countries;

3. *Encourages* Member States to work in partnership with all relevant stakeholders to increase research and development funding for vaccines and medicines, leverage digital technologies, and strengthen scientific international cooperation necessary to combat COVID-19 and to bolster coordination, including with the private sector, towards rapid development, manufacturing and distribution of diagnostics, antiviral medicines, personal protective equipment and vaccines, adhering to the objectives of efficacy, safety, equity, accessibility, and affordability;

4. *Calls upon* Member States and other relevant stakeholders to immediately take steps to prevent, within their respective legal frameworks, speculation and undue stockpiling that may hinder access to safe, effective and affordable essential medicines, vaccines, personal protective equipment and medical equipment as may be required to effectively address COVID-19;

5. *Requests* the Secretary-General, in close collaboration with the World Health Organization, to take the necessary steps to effectively coordinate and follow up on the efforts of the United Nations System to promote and ensure global access to medicines, vaccines and medical equipment needed to face COVID-19, and, in this regard, to consider establishing, within existing resources, an inter-agency task force, and to brief the General Assembly on such efforts, as appropriate.

To sum up, it could be said that the main goal of resolution 74/274 is to get the United Nations to commit to ensuring equitable access to medicines, vaccines and medical equipment by avoiding speculation and hoarding that could prevent countries obtaining these essential supplies. To a large extent, it aims to guide the efforts of the Secretary-General toward assuming his leading role as coordinator of the system.

Notwithstanding, even though its purpose and objectives are clear, because the resolutions of the General Assembly are not binding, how effectively the Mexican resolution is implemented and the impact it has in practice will largely depend on the actions States decide to take.

But as the Secretary-General has said on several occasions, “none of us are safe until all of us are safe”.<sup>18</sup>

## Time to practice what we preach

It is precisely now, when we face the challenge of ensuring COVID-19 vaccines reach everyone in every corner of the planet, that resolution 74/274 takes on true relevance and will be put to the test. Already, we have witnessed the hoarding of vaccines by some States. Mexican Foreign Minister Marcelo Ebrard criticized this situation in a Security Council debate on the challenges of guaranteeing equitable access to COVID-19 vaccines, saying:

The information released by the Executive Director of the World Health Organization is alarming: three quarters of the first doses of vaccines administered worldwide are concentrated in just ten countries that represent 60% of global GDP.

Based on conservative estimates, there are over 100 countries where not even one dose has been administered or ones of only symbolic importance. Many countries are affected by this process. What is happening today opens an enormous gap between the small group of countries I mentioned and the rest of the world, the bulk of the international community, which does not have sufficient access to vaccines. We could say we have never seen a division so deep that affects so many in such a short time. It is imperative we act, hence the timeliness of this session, to revert the injustice that is being committed, because the safety of all humanity depends on it.<sup>19</sup>

<sup>18</sup> United Nations, “U.N. Chief Receives COVID-19 Vaccine in New York”, January 28, 2021, at <https://news.un.org/en/story/2021/01/1083292> (date of reference: March 2, 2021).

<sup>19</sup> Permanent Mission of Mexico to the United Nations, “Intervención del secretario de Relaciones Exteriores Marcelo Ebrard Casaubon, en el debate abierto de alto nivel del Consejo de Seguridad “Retos para el acceso equitativo de vacunas para el covid-19””, February 17, 2021, [2], at <https://mision.sre.gob.mx/onu/index.php/intervencionesconu/1102-17-de-febrero-de-2021-interven>

Foreign Minister Ebrard's speech hit home so hard it was taken up by the international press,<sup>20</sup> and justifiably so, given the situation we are facing. It should be recalled that the International Covenant on Economic, Social and Cultural Rights<sup>21</sup> recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Likewise, the 2030 Sustainable Development Agenda, adopted by the General Assembly in 2015, is founded on the premise that "countries and their societies set out on a new path to improve the lives of everyone, without leaving anyone behind".<sup>22</sup> Furthermore, in Target 3.8 of the 2030 Agenda (cited in resolution 74/274), all Member States committed to achieving "universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all".<sup>23</sup>

It is in times of crisis, when the international community as a whole is put to the test, that we need to turn to multilateralism, cooperation and humanism to find a way forward. Times of hardship are always an opportunity to strengthen ties of union and solidarity, to show our mettle as human beings. Let us echo Foreign Minister Ebrard's call to action:

We assume as our own, in a resolved and committed fashion, resolution 74/274 to ensure that all countries have, in practice, fair, equitable and timely universal access to vaccines. This is indubitably the main challenge we face and, if left unresolved, the main risk

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*cion-del-secretario-de-relaciones-exteriores-marcelo-ebnard-casaubon-en-el-debate-abierto-retos-para-el-acceso-equitativo-de-vacunas-para-el-covid-19* (date of reference: March 2, 2021).

<sup>20</sup> Reuters in Mexico City, "Mexico Calls on Rich Countries not to Hoard Coronavirus Vaccines", *The Guardian*, February 17, 2021, at <https://www.theguardian.com/world/2021/feb/17/mexico-coronavirus-vaccines-rich-countries-boarding> (date of reference: March 2, 2021).

<sup>21</sup> International Covenant on Economic, Social and Cultural Rights, art. 12, at <https://www.ohchr.org/SP/ProfessionalInterest/Pages/CESCR.aspx> (date of reference: March 2, 2021).

<sup>22</sup> United Nations, "17 objetivos para transformar nuestro mundo", at <https://www.un.org/sustainabledevelopment/es/> (date of reference: March 2, 2021). (The italics are the author's).

<sup>23</sup> U.N. General Assembly, "Transforming Our World: The 2030 Agenda for Sustainable Development", A/RES/70/1, October 21, 2015, 19, at [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E) (date of reference: March 2, 2021).



to the safety of humanity, and also, I must add, the prestige of multilateral action in our times.<sup>24</sup>

The Mexican initiative was the first step toward action by the United Nations in the midst of the worst health crisis of our times. The Security Council followed this same path in its resolution 2565 (2021) of February 26, 2021, with the affirmative vote of Mexico in its capacity as an elected member of the Council. Built on the foundations laid by the General Assembly, reference is made to resolution 74/274 in the preamble of this resolution, which:

1. *Calls* for the strengthening of national and multilateral approaches and international cooperation, such as the COVAX Facility created within the ACT-A, and other relevant initiatives as appropriate, in order to facilitate equitable and affordable access to COVID-19 vaccines in armed conflict situations, post-conflict situations and complex humanitarian emergencies, *stresses* the need to develop international partnerships particularly to scale-up manufacturing and distribution capabilities, in recognition of differing national contexts, and *notes* the need to maintain incentives for the development of new health products; and recognising the role of extensive immunisation against COVID-19 as a global public good for health;

4. *Calls for* full, safe, and unhindered humanitarian access, without delay, for humanitarian personnel and medical personnel, their equipment, transport and supplies, in order to facilitate, inter alia, COVID-19 vaccinations, as appropriate, and *calls for* the protection, safety, and security of such humanitarian and medical personnel, and in this regard *urges* all parties to protect civilian infrastructure which is critical to the delivery of humanitarian aid for essential services concerning vaccinations and related medical care, in situations of armed conflicts and complex humanitarian emergencies;

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<sup>24</sup> Permanent Mission of Mexico to the United Nations, *op. cit.*, [3].

9. *Calls for* COVID-19 national vaccination plans to include those at a higher risk of developing severe COVID-19 symptoms and the most vulnerable, including frontline workers, older people, refugees, internally displaced people, stateless people, indigenous people, migrants, persons with disabilities, detained persons, as well as people living in areas under the control of any non-state armed group;

11. *Emphasises* the urgent need for solidarity, equity, and efficacy and invites donation of vaccine doses from developed economies and all those in a position to do so to low- and middle-income countries and other countries in need, particularly through the COVAX Facility including on the basis of the WHO allocation framework in addition to country-specific frameworks, for fair access and equitable allocation of COVID-19 health products.<sup>25</sup>

The foundations have been laid and the path ahead clearly marked out. The time has now come to practice what we preach.

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<sup>25</sup> U.N. Security Council, "Resolution 2565 (2021)", S/RES/2565, February 26, 2021, at [https://undocs.org/en/S/RES/2565\(2021\)](https://undocs.org/en/S/RES/2565(2021)) (date of reference: March 9, 2021).