

Syrian Oscar nominee Waad Al-Kateab and health professionals protest against hospital bombings outside UN headquarters in New York on 30 January 2020. Photo by John Lamparski/Getty Images for Physicians for Human Rights



2021 STATE OF CIVIL SOCIETY REPORT

CIVIL SOCIETY IN THE INTERNATIONAL ARENA

COVID-19 AND INTERNATIONAL COOPERATION

In 2020, international cooperation, as everything else, took place in the context of a pandemic unprecedented in living memory. The pandemic tested existing routines and practices of multilateral cooperation, both when it came to pandemic response and in sustaining vital work on human rights, development and peace and security. It exposed weaknesses and challenges in the international system. It is important to learn the lessons from these pandemic times on how international cooperation can be improved.

The pandemic had devastating costs that mark the world today and could do so for years, stymying opportunities, entrenching inequalities, denying rights. There was the cost in human lives lost, many of which could have been avoided, and the long-term symptoms some people were left with. There were the economic costs as normal ways of living were paused or slowed down in many places. There were the costs of rights being restricted, including many opportunistic **rights restrictions** that had little to do with fighting the pandemic, and that threaten to linger.

Then there were the opportunity costs. As the pandemic dominated the headlines and as most states, with widely varying degrees of success, focused much of their efforts on pandemic response, many other urgent matters fell off the international agenda. Without the virus, and following the **great mobilisations of 2019**, climate change should have stayed at the top of the agenda, and 2020 might just have gone down in history as the year in which states collectively started to take serious action to avert the worst of the climate crisis. Instead, although the grounding of many flights and slowing down of economies caused a small and temporary drop in greenhouse gas emissions, there was a lack of ambitious international-level action. The COP26 climate change summit, which was due to be held in November 2020, was pushed back a whole year and the fear among many in civil society was that states would prioritise recovery through economic growth by any means, regardless of climate impacts, with international cooperation taking a back seat.

Similarly, any hopes of achieving the Sustainable Development Goals (SDGs) by the target date of 2030, making serious inroads in tackling inequality and poverty and realising rights, were subdued. Instead of progress on the SDGs,

the economic impacts of the pandemic meant **tens of millions** more people were plunged into poverty and their lives became more precarious. In contrast, the unimaginably rich got even richer; billionaires gamed stock markets to increase their wealth by **more than a quarter**. Economic inequality could not have been more stark.

Hopes to use the 25th anniversary of the Beijing Declaration and Platform on gender equality as an opportunity to renew the struggle for women's rights at the global level were also set back (see this report's chapter on challenging exclusion), despite efforts by civil society to draw attention to the urgency of women's rights at a time when the impacts of the pandemic were disproportionately falling on women.

When it comes to international cooperation as a whole, 2020 marked the year that the United Nations (UN) turned 75, an event that many among the civil society that engages with the international system hoped might provide an opportunity to spark serious conversations about reform and renewal. As best as possible, and as described below, advocacy and discussions on UN reform still took place. But the spotlight was not on them, making it harder to build momentum for change.

The reality is that the response to the pandemic was largely unilateral. There was little coordinated global response. Powerful states shunned multilateralism, and their responses to the pandemic were often nationalistic, even xenophobic. The UN was often relegated to the sidelines as states asserted themselves and prioritised national-level action. Many states adopted security-based and militarised approaches to the pandemic, emphasising enforcement rather than consent, deploying state violence, increasing **censorship and surveillance** and enabling human rights abuses. The human rights norms that the UN stands for were ignored, and there was little prospect of accountability over this. If rights restrictions introduced under the pandemic become permanent, they will offer a further difficult test for the international human rights system.

The pandemic therefore opened up fresh questions about the efficacy of the international system, its ability to respond to crises and the speed with which

it is able to work as realities quickly change. Out of the crisis of the pandemic should come new questioning of why the international system, as it is currently constituted, proved unequal to the task, and an opportunity for learning and radical reform. Civil society will be urging UN institutions to show they have learned the lessons and change accordingly.

VACCINE GEOPOLITICS

The pandemic was enabled by globalisation; it spread around the globe so quickly because our world is highly interconnected and intensely mobile. It showed that borders can count for little. The response of many states was of course to close borders and impose restrictions on movement, which was often a sensible temporary precaution. But a global virus in a globalised world could only be controlled and ultimately eradicated through a global response. Ultimately borders cannot be closed permanently, and diseases will continue to move invisibly across them. In a globalised world, in which economies are based on transnational manufacturing and supply chains, no one is safe until everyone is safe.

The development of several vaccines within the space of a year offered hope. It was an incredible human achievement, showing the best of what our species is capable when diverse teams of highly motivated people work together for a common cause. But once the vaccines were approved, predictable winners emerged, as the most politically and economically powerful states grabbed the bulk of supplies, leaving less powerful countries potentially facing a long wait. **Vaccine nationalism** became the order of the day. Powerful states seemed to see themselves as engaged in a new space race, competing for international prestige and economic advantage. Russia's government even consciously referenced its cold war-era competition with the USA by **calling** its vaccine Sputnik V, and rushed its rollout **before trials** had been completed. India's government hurried to hail its homegrown COVAXIN vaccine as a triumph of self-reliance but **refused** to publish the data behind its decision to approve its use. The government of China was predictably **opaque** about its vaccine development and testing, while President Trump **tried to claim** US credit for vaccines developed elsewhere; his country's vaccine development programme also fell back on military analogies, with the scheme initially being dubbed a **second Manhattan Project**. Vaccine nationalism seemed a macho cult, going hand-in-hand with authoritarianism and right-wing populism, as leaders

who position themselves as strong men evidently wanted to show that their leadership got the first and best results.

In distasteful scenes, states even competed to promote their vaccine rollouts as the best. The UK's ruling party **trumpeted** the country's higher vaccine rollout rate compared to European Union (EU) countries as part of its post-Brexit public relations campaign and tried to print its **national flag** on UK-produced vaccine doses. The EU and UK then engaged in an unseemly **stand-off** over vaccine supplies that threatened to further endanger peace in Northern Ireland. The government of Israel was internationally hailed for its rapid vaccine rollout that saw 12 per cent of its population receive a shot in the first two weeks, but in the clearest possible indication that Palestinians living in occupied territories are regarded as second-class citizens, they were **denied** the vaccine, which in occupied territories was only provided to Israeli settlers. This seemed a consciously political choice that will directly cost human lives.

Alongside vaccine nationalism there was also the rise of vaccine diplomacy, with states using their control of vaccine supplies in attempts to develop influence; Australia, China and India, for example, seemed to be engaged in a **tussle** to offer vaccine distribution for strategic advantage in South-East Asia. China quickly **linked** vaccines to its ongoing infrastructure diplomacy package, the Belt and Road Initiative. For Russia, key allies, such as Guinea, Iran and **Serbia**, seemed **first in line** for its vaccine. The potential was for people in such ally countries to benefit, but this was self-interested bilateralism rather than multilateralism. None of this looked like a response to a global problem that put humanity as a whole first.

Even as vaccines began to be rolled out in global north countries in late 2020 and early 2021, people in many global south countries were told they might have to wait until 2022 or even later. Global north countries **moved to grab** not only those vaccines that needed extremely cold storage, which might be more difficult to administer in many global south countries, but also those that could be stored at warmer temperatures, which could potentially have been more useful in countries with less developed infrastructure.

It was clear during 2020 that while the crisis was global, its impacts were geographically uneven. Wealthy global north economies may have suffered economically, but given the pre-pandemic size of their economies, their access



Nurses at Otago COVID-19 Testing Centre prepare to test the public on 26 August 2020 in Auckland, New Zealand. Photo by Fiona Goodall/Getty Images

to credit and their ability to vaccinate their populations first, have the tools at hand to enable a relatively quick recovery. China was hit first by the crisis, but its global political and economic power had hardly been dented at the end of 2020. By comparison, if already disadvantaged global south countries experience a long wait for a vaccine or find it hard to vaccinate enough of their populations, it can only delay their economic recovery. The potential scenario is of enduring restrictions on movement, other key freedoms and essential economic activity in the global south, even as wealthier countries bounce back. Lack of universal access to vaccinations will deepen the already great inequality between richer and poorer countries. At an individual level too, if particular population groups struggle to get access to vaccines or if elites are able to get vaccinated first, inequality within societies will be deepened.

Unequal recovery also raises the spectre of health danger for everyone, wherever they live, because a virus left free to roam much longer in global south countries could further mutate, perhaps develop vaccine resistance and spread more easily around the world.

A NEW GLOBAL INITIATIVE

One bright spark came in the form of the COVAX initiative, formed as a partnership between the World Health Organization (WHO), the Coalition for Epidemic Preparedness Innovations and Gavi, the Vaccine Alliance, with the latter two institutions being multisector partnerships in which civil society plays a role. COVAX came together as a new alliance to respond to a new challenge, mobilising **resources** ↗ to incentivise the production of vaccines by committing to their purchase and distribution at scale. The idea is that higher-income states pay in, and in doing so can assure a supply of vaccines for themselves, but they also pay towards vaccine supplies for other COVAX members who cannot pay. The aim is to provide 20 per cent of the vaccines needed to global south states, enabling the immunisation of frontline and vulnerable population groups.

By September, states representing **close to two-thirds** ↗ of the world's population had joined COVAX. But while high-income states joining COVAX included **EU members** ↗, Canada, Japan, New Zealand and the **UK** ↗, there were some notable absentees, including states that were aggressively pursuing vaccine research and bulk purchasing to secure supplies for their own citizens. **China** finally joined in October, but Russia and the **USA** ↗ remained the obvious holdouts among a handful of **non-members** ↗, with the USA predictably taking a stridently nationalistic stance under the Trump administration. The USA changed its position shortly after President Biden took office and **announced** ↗ it was joining COVAX, although like other powerful members, it **continued** ↗ to prioritise supplies for its own citizens. COVAX reported in November that it had passed its initial target of raising **US\$2 billion** ↗, but still needed to secure a further US\$5 billion in 2021, and at the year's end was reported to be **struggling** ↗ to secure sufficient vaccine supplies. This could only raise the fear that as global north countries vaccinated more and more of their populations, they would lose interest in the initiative and leave a crucial funding shortfall.

Another challenge was that, at the time of writing, not every pharmaceutical company working to develop a vaccine had struck a deal with COVAX. This pointed to another key concern for civil society: COVAX was an emergency solution to a pressing problem, but it did nothing to challenge the marketisation of health provision and the vast power and wealth enjoyed by a handful of pharmaceutical giants that control patents and have the skills and technologies required to manage complex manufacturing processes. If



People in Rome, Italy, demonstrate outside the headquarters of the Italian Medicines Agency to demand free production and worldwide availability of COVID-19 vaccines. Photo by Stefano Montesi/Corbis via Getty Images

delays in vaccine distribution were caused by the inability of these giants to manufacture sufficient doses of vaccines for everyone, then it surely begged the question of how quickly vaccine patents, technologies and skills could be shared and developed in the global south, where there are countries with strong track records in manufacturing generic medicines at scale and low cost. But powerful states stood in the way. In World Trade Organisation negotiations in December 2020 and January 2021, it was reported that representatives of wealthy countries, including EU members, the UK and the USA, had **blocked** ¹ a **proposal** ² from India and South Africa to suspend international intellectual property rules relating to COVID-19 vaccines and treatments. This would have enabled more rapid global south vaccine production, but wealthy states, in which the pharmaceutical giants are based, fell back on the same argument that was long used to stifle movement on affordable HIV/AIDS treatments, **saying** ³ that this would disincentivise pharmaceutical innovation.

Civil society has long criticised multisector partnerships for giving too much

power to the private sector, and many will continue to advocate for long-term solutions that diffuse rather than concentrate corporate pharmaceutical power. Civil society will continue to say that market-based solutions are a poor substitute for public investment in and democratically accountable public ownership of healthcare, as a crucial means of realising rights and fostering equality. There is also surely a huge role for civil society organisations (CSOs) to play in vaccination rollout, particularly to reach excluded groups and in countries with limited health infrastructure, and a need to support this role. As with so many facets of the pandemic, the need is to learn the lessons now in order to become better prepared for the likely pandemics of the future.

WHO UNDER THE SPOTLIGHT

For lessons to be learned, there is a need to ask the question of how effective UN institutions were in mobilising pandemic response. The picture was at best mixed.

While the UN institutional response from the top down was good, the UN Security Council (UNSC) was an absolute failure. China and the USA and engaged in hostile and juvenile behaviour at a time when the world's future rested on the UN being effective.

On the other hand, the UN General Assembly (UNGA) responded reasonably well, taking the initiative despite not being able to meet physically. In early April it passed a **resolution** ⁴ calling for international cooperation and multilateralism in the fight against COVID-19. Mexico was also very strategic in pushing a **resolution** ⁵ on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, adopted by consensus in late April. In view of the challenges that the UNGA experienced, however, I think one procedural lesson learned was the need for the UN be better prepared to work virtually in the event of another crisis.

Anonymous international CSO representative ¹

¹ Quotations cited in this chapter come from interviews with civil society representatives and from participants in a webinar convened by CIVICUS as part of a series of International Civil Society Week virtual events. These are edited extracts. Full versions of interviews are available [here](#) ². A recording of the webinar, held on 14 September 2020 on the theme, “‘We the Peoples...’: reimagining global governance on the eve of the UN’s 75th anniversary”, is available [here](#) ³.

The key UN institution that came under the spotlight was of course the WHO. COVID-19 could have been the WHO's finest moment. As a pre-existing global health body with great expertise in responding to previous epidemics, it might have been expected to play a leading role. And indeed, it provided advice and expertise, and helped mobilise the COVAX initiative. At the same time, it faced key criticisms, of acting too slowly at the beginning of the pandemic and of being too close to China.

The WHO faced considerable obstacles in fulfilling its mission. At a time when everyone should have been working together in the midst of the crisis, there came instead the staggering spectacle of President Trump announcing the USA's withdrawal from the WHO. The announcement was made in May and official notification of withdrawal was given in June. This was, of course, part of a pattern of serial withdrawal from multilateral institutions and agreements by the Trump administration, as documented in previous editions of this report, which included unilateral withdrawal from the Paris Agreement, the UN Human Rights Council (UNHRC), the UN Educational, Scientific and Cultural Organization (UNESCO) and the Iran Nuclear Deal.

Each of these moves was met with civil society criticism, and the decision to withdraw from the WHO was no exception. In the USA, **750 leaders** in global public health, international law and US constitutional law came together to call on the US Congress to block the move. Ultimately, President Biden committed to reversing the withdrawal before it could take effect one year on from notification.

When the USA attacked the WHO, the natural instinct of the civil society that engages with the UN system, and the many CSOs working to help respond to the pandemic, was to leap to its defence. But at the same time, many in civil society were also critical of the WHO and its position towards China. Many shared some concerns, if not the US government's ways of expressing them and its solution. The accusation that the WHO had been deferential in its treatment of China, had overpraised its response and, relatedly, had been slow to call a public health emergency, seemed reasonable to many.

In the early days of the virus, it seemed that the government of China and the WHO were in **lockstep** in the statements they were making and the

ways in which they were talking about the pandemic. In January, the WHO Director-General, Dr Tedros Adhanom Ghebreyesus, visited China and **praised** the country for "setting a new standard for outbreak control" and for its "openness to sharing information." It is now clear that this was far from true; the government of China was denying the scale and impact of the virus and **silencing whistleblowers**, and the lack of information and absence of transparency were enabling the virus to spread. And yet even as doubts set in about China's response, Adhanom Ghebreyesus added further praise the following month and warned against states imposing restrictions on travel to China, on the grounds that this would be politicising the outbreak. At the very least it was incautious to endorse any single state's approach to a pandemic that was still unfolding, already crossing borders and not well understood, particularly when that state is an authoritarian superpower that brooks no internal criticism. It is not the role of the WHO or any other UN body to launder



Officials of the World Health Organization speak at a news conference in Geneva, Switzerland, shortly before the declaration of the COVID-19 pandemic. Photo by Stefan Wermuth/Bloomberg via Getty Images

the international reputation of China or any other state. The controversy offered an example of how international organisations can become caught out in their attempts to keep powerful states onside.

The situation played into the Trump administration's hands and enabled easy criticism from a government that was always ready to pick a fight with international institutions. It connected to the Trump administration's existing trade war and war of words with China. The US government's characterisation of the WHO as 'China-centric' dovetailed with President Trump's continual referencing of the disease as the 'China virus' and evident support for conspiracy theories around the virus being manufactured in a Chinese laboratory. These in turn reinforced China's defensiveness and hostility towards criticism, making international cooperation and the proper investigation of the presumed origin of the virus in Wuhan harder. China **refused** to accept any responsibility for its role in preventing the circulation of crucial early information about the virus and even offered its own alternative conspiracy theories about the origins. A WHO international team was not able to enter Wuhan to investigate the potential sources of the virus until **January 2021**. At that late stage, and with their freedom to investigate carefully constrained by the government, they could expect to unearth little of value.

As the USA pulled back from the WHO, other states, and not only China, sought to fill the gap, motivated no doubt at least partly by hopes of diplomatic positioning and strategic advantage. **Germany** stepped up its financial contribution to become the WHO's top donor, and the UK also increased its support. But with China being such an egregious human rights abuser, its insertion into an international system supposedly built on a bedrock of human rights will always be particularly problematic. The WHO's troubling relationship with China may offer something of a test case of the new challenges China's growing multilateral activity can pose.

China's increasing involvement in multilateral institutions is far from the first example of a powerful state seeking to influence and distort those institutions. International bodies need to be able to resist accusations of capture by any state. While the situation was novel, the lesson from 2020 was hardly a new one: that the WHO, like other international bodies, is too vulnerable to state influence, often too cautious about upsetting

powerful states and only as effective as its member states allow it to be. The WHO relied on its member states to report COVID-19 cases, for example, and some states, notably North Korea, Tanzania and Turkmenistan, applied a policy of blanket denial, absurdly reported that they were free of cases and provided no data. Amid such obstruction, how could an effective response be possible?

At the same time, it could also be argued that the WHO only became a political football when a health crisis threatened global north countries; previous viral outbreaks, focused on Africa and Asia, were deemed less controversial, presumably because they were distant from and only tangentially affected global north countries. Many would point to the WHO's longer-term track record in promoting and standing for the concept of **public health** and health rights and its past successes in tackling viruses.

Despite the recent controversy over COVID-19, where the main issue may have been its lack of powers and coordination, the WHO has achieved lasting success. It was officially established on 7 April 1948 to achieve "the attainment by all peoples of the highest possible level of health," with health being not just the absence of illness or infirmity but the complete physical, mental and social wellbeing of the individual. Its greatest triumph was the eradication of smallpox in 1977; the global efforts that it has led to end polio are now in their final stages. In the past few years, the WHO has also coordinated battles against viral epidemics of Ebola in the Democratic Republic of the Congo and Zika in Brazil. It will be a disaster if the USA withdraws from it instead of helping it assert a better warning mechanism and distribution of medicines following a pandemic of which, assuredly, there will be more.

Keith Best, World Federalist Movement – Institute for Global Policy

The lessons of future value that must be learned now include lessons about the WHO's capacities, leadership and ways of organisation. Lessons need to lead to changes to ensure that the WHO is equipped to lead the response to future health emergencies as they happen, including those that may result from climate change. The **independent evaluation** of the global COVID-19 response, announced by the WHO in July, is a welcome step. It is important to ensure that the voices of civil society are heard in this process.

CHINA'S GROWING ROLE IN MULTILATERAL BODIES

The WHO is not the only multilateral arena on which China has focused as part of its international strategy. As discussed further below, China is playing a **more assertive** role in UN bodies such as the UNHRC, and has continued to work to manoeuvre Chinese nationals into **leadership positions** of UN agencies.

The problem for civil society is that in increasing its engagement with multilateral institutions, China is challenging and seeking to change human rights norms, and norms about UN scrutiny of states. Even while playing an increasingly active role in UN institutions in recent years, China has remained resistant to international scrutiny. It has continued, for example, to block visits by UN special rapporteurs, a key means of accountability over adherence with human rights norms. It has consistently **refused** to accept international criticism of its appalling treatment of Uighur people and other minorities in the Xinjiang region. The implications of this go further than China's own resistance to scrutiny; it potentially normalises lack of compliance for all those states that seek to prevent civil society using the UN as a vital locus of accountability for states' human rights failings and their performance in meeting international commitments.

The problem of China's growing international role, which has partly been enabled by the withdrawal of the USA from key institutions and the resultant creation of a space for others to fill, could be seen at the UNHRC in June. China introduced a **resolution** about "mutually beneficial cooperation" between states, but in doing so it used the multilateral processes of the UNHRC to **undermine** multilateralism around human rights. The resolution promoted the idea of bilateral dialogue between states, something that would be conveniently free of the constraints of international human rights law and multilateral oversight, and in which civil society would not be guaranteed any significant role. The controversial resolution was passed by a vote of 23 for to 16 against; many of the states voting for it were China's allies or states with good reasons for wanting to avoid international scrutiny of their own human rights records, including Bahrain, Bangladesh, Eritrea, Pakistan, Sudan and Venezuela.

China also increasingly uses UN platforms to showcase its achievements and position itself as a good global citizen. In his 2020 UNGA speech, China's President Xi Jinping **announced** that his country would increase its Nationally Determined Contributions under the Paris Agreement to have emissions peak by 2030 and achieve carbon neutrality by 2060.

This represented a potentially significant commitment by the world's current **highest** greenhouse gas emitter and biggest builder and financier of energy infrastructure, and it won much international praise. But international commitments, which attract limited international scrutiny and accountability, can matter little without domestic pressure of the kind that can hold states accountable for the commitments they make in international arenas. In 2020, climate activists in countries with relatively open civic space were able to use a variety of tactics, including protest, advocacy and litigation, to try to hold states to compliance with their Paris Agreement commitments when domestic policies were at odds with these (see this report's chapter on environmental and economic activism). But of course, there is little prospect of this happening in China, which in 2020 ramped up its suppression of domestic dissent and its closure of civic space, leaving it free to posture internationally with minimal prospect of domestic repercussions.



Civil society has questioned China's membership of the UN Human Rights Council for more than a decade. Photo by Students for a Free Tibet

THE UN AT 75: WHAT HOPES FOR REFORM?

In the pandemic year, and with most debate about the international system focusing on the role of the WHO, it was a difficult time to try to use the UN's 75th anniversary as an opportunity to talk about reform and renewal, as many among the civil society that engages with the UN had hoped. Nevertheless, work to do so continued, even if it attracted relatively little attention.

In January, when the UN Secretary General (UNSG), António Guterres, launched the Global Conversation initiative to hold dialogues and gather ideas on future priorities, key challenges and the role of global governance, he could little have foreseen the circumstances in which the conversations would take place. But even as the pandemic raged, over a million people from every UN member state answered survey questions and took part in online and small-scale dialogues to give **their views**⁷. The pandemic focused people's minds on the essentials:

the top immediate priority identified in the consultation for recovering from the pandemic was access to basic services, including healthcare, education and water and sanitation. People called for greater support for those hit hardest by the pandemic, including through increasing decent employment opportunities and action to tackle poverty and inequality. To help make progress, people wanted conflicts to be resolved, corruption to be eliminated and human rights to be respected. People were worried about climate change, about its impacts on their lives and its potential to make current problems worse.

Encouragingly, in spite of the nationalistic responses with which many states met the crisis, most people believed that the pandemic has strengthened the case for international cooperation, and saw a need for the UN. However, over half of those who participated believed the UN to be remote from their lives.



UN Secretary-General António Guterres speaks to parliamentarians at the Bundestag in Berlin, Germany, in December 2020, to celebrate the 75th anniversary of the UN. Photo by Steffi Loos/Getty Images

People valued particularly the UN's contributions to human rights and peace, but they called on it to be more diverse and inclusive, including of civil society, young people and women, and other excluded groups. There is little in any of these conclusions that the civil society could disagree with.

These views helped inform the **UN75 Declaration**[↗], adopted on 21 September, at an UNGA where the anniversary celebrations necessarily took place largely virtually. The Declaration reaffirmed support for the SDGs and the Paris Agreement, and acknowledged the importance of international law, human rights, democratic governance and gender equality. The text also recognised the need to reform the key institutions of the UNSC, the UNGA and the Economic and Social Council, and of engaging meaningfully with a wide range of stakeholders, including civil society and young people.

Guided by the principles of the UN Charter, the **Declaration**[↗] on the Commemoration of the 75th Anniversary of the United Nations rightfully commits to improving digital cooperation worldwide. Through this formal commitment, the UN finally paid heed to the transformative impact digital technologies have on our daily lives, paving a path – or, as better captured by the UNSG, a 'roadmap' – to steer us through the promises and perils of the digital age.

Laura O'Brien[↗], [Access Now](#)[↗]

However, the Declaration was, as might be expected, a lofty and consensual text, making no real practical recommendations on reform. At the virtual debate to adopt the Declaration, it was notable that the four **young people**[↗] who had been invited to take part were the ones who asked the difficult questions about whether UN member states were staying true to the UN Charter and called for urgent action on the climate crisis, inequality, gender-based violence and youth unemployment. Still a gap remains between the urgency of the demands articulated by the many people who took part in 2020's consultations, and that continue to be made by civil society, and the bland Declaration signed off by states in September. People have been clear that they have fundamental needs that are not being met, see international cooperation as a vital part of action on this and want multilateral agencies to involve a wide range of people and institutions in their decision-making.

CIVIL SOCIETY'S CONTRIBUTIONS AND CRITIQUES

If the aspirations expressed by people who contributed their ideas to the UN in 2020 are to be met, then the UN needs to listen and change in ways that are broader, deeper and more sustained. It can only do so by engaging with civil society and opening up civic space. As it stands, it is hard to see how significant progress can be made on such global priorities as advancing gender equality, enabling youth participation and tackling the climate crisis if action is left to states that tightly restrict civic space and highly limit civil society participation. Realising **goal 16**[↗] of the SDGs, which commits to transparent institutions, the rule of law, participatory decision-making and respect for fundamental freedoms, means respecting and working with civil society. That has to include doing so at the international level.

In a **series of interviews**[↗] CIVICUS conducted with civil society personnel and others who engage with the UN system during 2019 and 2020, people pointed time and again to the ways in which the UN has, over its 75 years, helped prevent and resolve conflicts, challenge colonialism, provide humanitarian assistance to people in great need and develop, propagate and uphold human rights norms. At the same time, civil society representatives repeatedly made the point that much of the innovation within the UN system resulted from civil society engagement.

The ambitious SDGs reflected an unprecedented and systematic campaign of civil society advocacy and engagement. Key conventions – including on land mines, the arms trade and nuclear weapons – and institutions – such as the International Criminal Court (ICC) – started out as civil society ideas. Civil society continues to engage actively at the UNHRC to hold states to account on their human rights records, including through consistently making inputs to the Universal Periodic Review process in which states are assessed on their human rights performance. Alongside this, civil society pushes for further developments to advance human rights, such as through its ongoing involvement in processes to develop a binding treaty on business and human rights. Civil society is advancing new initiatives on rights in relation to climate and the environment, as discussed below. Clearly, the UN is at its best when it works hand-in-hand with civil society.

2020 TREATY LANDMARKS

2020 offered further examples of the value civil society can bring to international institutions and processes. After Honduras became the 50th government to ratify the Treaty on the Prohibition of Nuclear Weapons in October, the Treaty **entered into force** from January 2021, marking a key step forward in the eventual goal of ridding the world of nuclear arms by advancing an international norm of the unacceptability of nuclear arms. The Treaty originated from the International Campaign to Abolish Nuclear Weapons (ICAN), a global civil society campaign, whose pioneering work on this front was recognised with the award of the **Nobel Peace Prize** in 2017.

All governments agree – at least nominally – that a world without nuclear weapons is a desirable goal. It's time to hold them to their words and force them to pursue this goal. With the achievement of the treaty and of course the recognition afforded us by the Nobel Peace Prize we hope there can be a new dawn for disarmament and the beginning of the end for nuclear weapons.

Daniel Högsta, ICAN



People in Hiroshima, Japan, including survivors of the 1945 atomic bombings, rally in October to urge the Japanese government to sign the UN treaty banning nuclear weapons. Photo by Kyodo News via Getty Images

At the regional level, in November, the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, better known as the Escazú Agreement, **passed the threshold to enter into force** after Mexico became the 11th state to ratify it. The Agreement was adopted in 2018 after **extensive civil society involvement** in its development, with civil society helping to make the Agreement an ambitious and far-reaching one.

The Escazú Agreement is a process in which many CSOs in the region have been involved for a long time. The process began in 2012 when, at the UN Conference on Sustainable Development (Rio+20), 10 countries signed a declaration to initiate a process to comply with principle 10 of the Rio Declaration, which states that the participation of society as a whole is needed in order to address environmental issues; however, in order to participate, people need access to information and justice mechanisms allowing them to complain when their rights are denied and to obtain restitution for damages. The Rio Declaration is not binding, so a legal instrument was required to make this principle effective.

There were two years of preparation and then several years that included nine negotiation meetings, the last in Costa Rica. A very important aspect was that throughout the negotiation process, CSOs had a voice in the meetings. We could raise our hands to make proposals to the document. Some important developments, such as the inclusion of article 9 on the protection of human rights defenders, were CSO contributions. This is a unique article, not found in any other instrument.

Another innovative aspect was that the meetings were webcast in real time, which allowed many people who were not physically present at the meetings to participate remotely. In 2020 this became very common, but I am talking about 2014 and 2015, when it was not.

The possibility to submit comments and proposals was unusual. It was always said that this process would not set a precedent for other UN negotiation meetings, but I would like it to be exactly the opposite: this should set a precedent for how negotiation meetings need to happen so that the voice of

CSOs with experience on the issues and many years fighting for rights can be heard without mediation.

Olimpia Castillo [↗], Civil Association for Environmental Communication and Education [↗], Mexico

Owing to concerted civil society advocacy, Escazú is the first international treaty that includes specific protections for environmental defenders. As made clear by Michel Forst [↗], former UN Special Rapporteur on the situation of human rights defenders, the threats, acts of aggression and fatal attacks against environmental defenders are often a direct result of the exploitation of natural resources that does not take into account the legitimate demands and concerns of local communities.

Escazú recognises the right to live in a healthy environment and requires each participating state to guarantee that right in its steps to comply with the treaty. This recognition gives environmental rights defenders legitimacy in their efforts to secure a healthy environment for all. Civil society in Latin America and the Caribbean has great hopes that a binding agreement such as Escazú, in which the environment and human rights go hand in hand, can be a milestone on the road to ending the region's environmental conflicts.

Marcos Orellana [↗], Human Rights Watch [↗]

The Escazú Agreement should set precedent both for its contents and for the process through which it came into being. This landmark should open up space and lead to the development of mechanisms for civil society all over the world to hold governments to account and push for higher standards.



Two women hold up a sign urging the Salvadoran government to ratify the Escazú Agreement on 24 September 2020 in San Salvador. Photo by Camilo Freedman/APHOTOGRAFIA/Getty Images

However, in CIVICUS's civil society interviews many examples were advanced of the UN failing to work adequately with civil society. What comes across is a critique that the UN remains an opaque and confusing web of institutions in which insider status and knowledge of arcane procedure are at a premium, making it harder for emerging, smaller and less well-resourced civil society groups in particular to penetrate. Its bureaucracy is slow-moving, rigid, formal, hierarchical and at times self-serving. The confusion sometimes seems deliberate, privileging gatekeeper roles, and real reform comes rarely.

The UN has not kept up to date with the ways in which people organise and mobilise in the modern world, or with many of the issues that matter to people,

even when those issues have been identified in numerous consultations, such as those undertaken by the UN in 2020. The UN remains centred on the state as the pre-eminent unit of organisation, even in a world of non-state identities, belongings and mobilisations spanning from the hyper-local to the transnational, in which a wide diversity of civil society has evolved, and despite the pandemic once again showing the limits of state power.

Some of the UN's institutions are manifestly part of the problem. 2020 was another year in which it might have been better if there was no UNSC at all, given its standing as a hamstrung arena of performative power plays between big states. Its repeated failures to act in the face of devastating conflicts such as

those in Syria and Yemen sadly no longer came as a surprise. In February 2021, it took the UNSC lengthy negotiations even to **condemn** ⁷ the Myanmar coup (see this report's chapter on democracy under the pandemic), through a form of words that avoided calling it a coup.

When civil society suggests that part of the answer to these institutional challenges is for the UN to become much more open to civil society participation – and the participation of a far more diverse range of civil society – it does so both because it believes participation is an important value in its own right and because by doing so the UN will be better able to play the role that it must in dealing with today's pressing problems, such as climate change, realising rights, defending democracy, fostering inclusion and building a more just and sustainable world, in the spirit of the commitments made in landmark UN conventions and declarations. A UN that is less beholden to the interests of powerful states, puts human rights at its centre, is more capable of action across borders and is more participatory, democratic and transparent will be one in which people other than heads of states and bureaucrats can be involved in setting its priorities and agendas, delivering initiatives and holding it to account to ensure that sound decisions are taken, impact that improves people's lives is achieved, money is spent wisely and the lessons from failures are learned. A more involved civil society means a more democratic, responsive and effective UN.



Civil society seat at the UN Human Rights Council. Photo by International Service for Human Rights

PROPOSALS FOR GREATER CIVIL SOCIETY PARTICIPATION

Civil society knows that the current situation is far away from the levels of engagement and partnership it wants to see. Civil society still remains something of an add-on to an international order organised around states, and civil society struggles to be recognised as an equal partner or to gain the same level of access as the private sector.

We were already behind in terms of participation, so much so that last year we handed over to UNSG Guterres some requests, such as the constitution of a reference group to discuss the reduction of spaces for civil society participation in the UN. We also requested the establishment of an international fund for CSO participation linked to the UN and demanded the inclusion of civil society in the governing councils and governance spaces of UN agencies and bodies, as is already the case in the International Labour Organization and UNAIDS, which have formal mechanisms for civil society participation.

Alessandra Nilo ⁷, Gestos ⁷, Brazil

The belief among many in civil society is that the pandemic should come as a wake-up call that better international cooperation is needed. The disruption caused by the pandemic should also offer an opportunity to build back differently in a way that acknowledges and acts on the profound problems that preceded the pandemic and worsened its impacts. The fear is that the lessons will not be learned as states rush to get back to a system that was already failing many people. The message from civil society was therefore that the realities of the pandemic made the discussion of UN reform not a luxury at a time of crisis, but rather an even more urgent matter.

There have been many civil society reform initiatives over the years, and civil society has constantly engaged in bringing about incremental change and refinements to UN policies, practices and systems, while advocating for bolder change at the same time. The Coalition for the UN We Need, formerly UN 2020, has in recent years proved a key civil society grouping that is working to take some major reform ideas forward. Ahead of the September UN sessions, the coalition convened a group of **former government and UN leaders and**

officials⁷ to call for a stronger, more accountable and inclusive multilateral system that enables the full participation of civil society, and to urge dedicated follow-up to the UN75 Declaration. The accompanying **UN75 People's Declaration and Plan for Global Action**⁷, presented to the UN as part of the process, attracted endorsements from 382 CSOs from around the world for its call to “launch an ambitious, non-partisan, transparent and inclusive process to identify global governance gaps and develop a coherent strategy to fill them.”

Even before the beginning of the pandemic, multilateralism was under threat and weakened by withdrawals from important treaties, budget cuts and the failure by many governments to uphold international law. COVID-19 has further underscored humanity's shared vulnerability and the need for more, not less, international cooperation. Recovery from the pandemic and institutional reforms go hand in hand. We need to build back better not only nationally but also internationally, and this requires leadership. So that's the main message of the campaign.

On 14 and 15 May we held the UN75 People's Forum for the UN We Need, which brought together over 600 civil society participants each day from 75 countries around the world. We launched a UN75 People's Declaration, 'Humanity at a Crossroads: Global Solutions for Global Challenges', which was presented at the event by the president of the UNGA, who later had the document circulated among UN missions.

Fergus Watt⁷, Coalition for the UN We Need⁷

Along with calling for a robust post-2020 follow-up mechanism, the People's Declaration set out the need for better and more reliable funding for UN institutions and made some practical recommendations on ways of increasing civil society participation. Civil society's efforts have crystallised around **three clear and practical proposals**⁷ for enhancing democracy and civil society participation at the international level, and in 2020 civil society continued to advocate for these, using the 75th anniversary as an opportunity to do so.



Civil society leaders participate in the launch of the We The Peoples campaign across the street from the UN in New York City. Photo by Democracy International

THREE PRACTICAL CIVIL SOCIETY IDEAS FOR IMPROVING PARTICIPATION

I. A high-level civil society champion or focal point

A high-level focal point for civil society would help ensure that due consideration is given to civil society throughout all UN processes. The role could work to identify and challenge barriers to participation, push for more inclusive convening processes and drive the UN's outreach to civil society and the public. Civil society has done considerable thinking already about how such an office could be appointed, what the role might entail and how it might be managed and resourced.

As an appointment made by the UNSG, the idea of a high-level focal point could be implemented fairly soon and would be a high-level office within the UN Secretariat that would give legitimacy and credibility to the expectation of civil society as an instrumental partner of the UN system.

One interesting idea that came out of the UN2020 in-depth workshops with civil society and UN officials is to incorporate civil society representatives in the governance of the offices. Another structural way to build in safeguards would be to have a group of states fund the office, not one. The worst example that came up in our workshops was the Youth Envoy being funded by the government of Saudi Arabia: you don't want a single government controlling a focal point. The feeling is that if it came from the regular budget, it would be vulnerable, and that is also hard to get agreement on in an age of cost reductions at the UN, so the most likely way to have this funded is through voluntary contributions, but with a diverse group of states funding it.

Fergus Watt [↗], Coalition for the UN We Need [↗]

Those of us who have worked with the UN know that we need more transparency and engagement of the UN and member states with not just civil society and the usual suspects – those of us who are able to attend all these forums every year – but with people at the national and local levels. The idea of a high-level focal point is great but there are some potential risks that we need to be aware of if we are to take it forward. The first is that the office needs to be well funded. I think it's very easy in the UN system to marginalise an office or an entity by just withdrawing funding from it, especially when competition for funding is so high

around the UN system.

Second, if it is hosted within the UN Secretariat and funded by UN core funds, the question could be asked, who is this person or office accountable to? Is it to member states who are responsible for the budget and are paying the bill, or is it to civil society and the people? So this takes us to another point: we need independence and complete transparency so this individual is able to speak out when needed. Speaking from personal experience, the UN Secretariat and agencies often don't have that capacity and sometimes there are political implications for sticking the neck out there. So we could explore a hybrid solution, such as having an independent organisation play this role, or having an advisory council: something allowing civil society to be represented through this office or individual and contribute on a regular basis.

Another risk is that with all the politicking around the UN some governments often nominate their own representatives as heads of agencies, so there is a lot of risk that a government that wants to undermine this office would try to promote and put its own people into this office. And finally, with civil society being so diverse and operating at some many levels, the expectations on this individual or office would be sky high, so there is the question about how we ensure this person or office actually adequately reflects the views of civil society, particularly of those that don't engage with the UN so often. So we would need to define a focus: is it at the global level or is it at the national and local levels that we need those inputs and engagement the most?

There are already a lot of individual focal points for civil society across the UN, which are continuously overstretched, lacking in funding, support and mandate. So the question is, should we invest in what's already there, or supplement it with an additional office? And the answer is: both. The critical challenge is that was civil society we tend to focus a lot on the ask and the advocacy to get to a point, but it is during implementation that a lot of the support falls off, so we need to amplify the message and work even harder when we start to get some momentum, and push for more transparency and more and more diverse funding.

John Romano [↗], TAP Network [↗]

II. A UN parliament

A UN parliament would help to bring more and more diverse voices into the UN system and improve scrutiny of UN bodies.

For the foreseeable future the UN is likely to be based on the nation state – the equality of which in the UNGA is one of its more endearing features – but increasingly there is a call for greater democracy to give effect to “We the peoples” of the united nations” as opposed to just the governments. Hence the call for the establishment of a UN parliamentary assembly, perhaps created under article 22, which would start not as a legislative body but a scrutineer of the UN and its agencies, given that any attribution of legislative powers would ensure its failure through states’ opposition at the outset.

When so many international organisations and treaties have a parliamentary assembly – with varying powers – attached to them, there should be no reason, other than electoral mechanics, why it should not happen at the global level.

Keith Best [↗], World Federalist Movement – Institute for Global Policy [↗]

III. A world citizen’s initiative

A citizen’s initiative mechanism, along the EU’s model, would create a new procedure where people could campaign to place their issues on the UN’s agenda, opening up more space for people to express their opinions.

Democracy International is working with CIVICUS and Democracy Without Borders on a campaign to bring “We the peoples” to life. It’s a campaign for a new participatory tool at the UN, and it’s called the UN World Citizen’s Initiative. The basic idea is that a number of world citizens that would be geographically representative would be able to collect signatures on a topic within the UN’s competence. And once a certain threshold is met, the UNGA would have to respond as they see fit and take action.

To people in the EU this may sound a bit familiar because there is a European Citizen’s Initiative, which is where we got our idea for a World Citizen’s

Initiative. Our campaign to bring this tool to a global level is also called “We the peoples.” We are trying to bring this ideal to life.

In my opinion the UN is currently not living up to its promise, although in recent years there has been greater attempts to bring in civil society voices and give CSOs a direct platform at the UN, but for everyday individuals there has not been this opportunity yet. Unless you are a high-profile activist, a Greta Thunberg, there has not been a real chance for normal citizens to share their voices at the UN or to use the UN as a tool to organise around a certain topic. It is a huge challenge to do so. But it is because this deficit is real that we are proposing a UN World Citizen Initiative. We need to close that gap and establish a tool that regular citizens can use to express their concerns on the global stage.

Daniela Vancic [↗], Democracy International [↗], Germany



A proposal for a UN World Citizens’ Initiative distributed by the We The Peoples campaign. Photo by Democracy International

HUMAN RIGHTS LEADERSHIP FROM THE UN SECRETARY-GENERAL

Civil society's efforts to urge UN reform found a source of encouragement in February, when the UNSG issued his **Call to Action for Human Rights**⁷, acknowledging the widespread disregard for human rights in the world and promising to put rights at the centre of his and the UN's work. The Call to Action underscored the indivisibility of human rights and the need for people to have access to a full range of rights. It called for rights to be put at the core of sustainable development; for rights to be protected in times of crisis; for gender equality and equal rights for women to be understood as an intrinsic part of realising rights for all; for rights to participate to be realised; for the rights of future generations to be protected, including through climate justice; for human rights to be put at the heart of collective action, including in UN institutions and processes; and for human rights to be recognised in the evolving digital space.

In the context of the right to participation, the actions promised included dialogue on the more systematic participation of civil society in UN bodies and agencies; the design of a UN system-wide strategy on promoting and protecting civic space and responding to civic space restrictions; the review of UN tools in relation to civil society and civic space; the promotion of country-level partnerships with civil society; and increased support for the promotion of civic space and the right to participation.

The Call to Action was followed, in September, by a **Guidance Note on the Protection and Promotion of Civic Space**⁸, issued to UN staff, seeking to make good on its recognition of the importance of civil society participation and civic space by setting out good practice recommendations for enabling civil society participation, promoting civic space and protecting those at risk, including those experiencing reprisals for engaging with the UN.

The Call to Action, including its support for civil society and civic space, met with a warm welcome from civil society; in the past, many had criticised the UNSG for downplaying human rights. Civil society responded by calling on the UNSG, and UN institutions, to go from words to action, and as part of this, to ensure that the Call to Action and civil society Guidance Note is put into practice.

One of the clearest and strongest messages that came out from the Call to Action is the recognition of the fundamental issue of upholding human rights by the UN, which is its mandate in any case. And I think this is coming a bit too late. It echoes what we have been calling for in terms of the ways the UN should be reformed. It also talks about collective determination, because for this Call to Action to make a difference, the UN should also undergo internal transformation.

I really liked the seven principles that UNSG underlined, but for these principles to be achieved, the UNSG needs to ensure investment. For example, UN Women still receives one of the lowest budgets. Also, there is another principle related to shrinking civic space but unless the UN reforms the way things work, especially when it comes to young women in Africa being denied participation in the UN, nothing will change. We haven't seen the UN taking a strong stand when big powers have increasingly restricted funding for sexual and reproductive health and rights. The Call to Action will not have full weight unless there are fundamental shifts in power and human rights defenders are boldly supported.

We know in our hearts and bodies that the way the UN is currently structured, within a global architecture built on the basis of a patriarchal basis, is wrong, unsustainable, and will not deliver tangible results. There must be a fundamental shift in power and the will to deal with underlying inequalities and act boldly to uphold rights.

The UN has a mandate to moderate, mediate and stand up and make a statement when something is against fundamental human rights principles. The UN is well positioned and in his Call to Action, the UNSG is calling on the UN to do just that. But we got to a point where instead of calling to action, the UN should be itself acting.

Memory Kachambwa⁹, Femnet¹⁰, Kenya

In March, as the pandemic spanned the world, the UNSG also called for a **global ceasefire**¹¹ so that all efforts could focus on saving lives in the face of the common enemy of the virus. His call **won support**¹² from most UN member states but had little impact in the real world, and conflicts continued even during the pandemic. Still, for some, this was another symbolic moment that indicated a growing willingness by the UNSG to make

big calls and break free of the excessive caution brought by the influence of powerful states.

The UN has made many positive differences over its 75 years, and it's making a difference now. From my perspective, a significant recent reaffirmation of the UN's importance, which is a kind of inverse reflection of recent failures or shortcomings, is that the UNSG has quickly responded to the human security aspects of the pandemic.

One of my longstanding critiques of the UN has been its lack of public leadership at the top. It's been the approach of the current UNSG, who's chosen backdoor diplomacy over outspoken advocacy. I won't deny he's in a difficult situation, but nonetheless he hasn't been forthright enough in holding major states to account for human rights violations.

I think the pandemic changed things in a way we hadn't seen in a long time. The UNSG finally did what he should have been doing as a general rule, which is to say that this is not about politics or having to tiptoe around the sensitivities of certain member states – this is about telling the world that the only way we will overcome this crisis is by coming together, and that this requires an immediate suspension of hostilities globally. That is aspirational and idealistic, but it's also technically correct.

During the pandemic, civil society supported and coordinated engagement towards an unprecedented call for a global ceasefire. The initial statement by the UNSG was highly ambitious to the point of being unrealistic, but he was absolutely right both in terms of what should happen in the world and in taking that leadership and not consulting first with Donald Trump, Xi Jinping, or anybody else. It was courageous and correct. It momentarily reinvigorated the role of the UNSG and the UN as a whole.

Anonymous international CSO representative ⁷

The UNSG went further still in July, when he used the annual **Nelson Mandela lecture** ⁷ to call for **major reform** ⁷ of key institutions, including the UNSC, the International Monetary Fund and the World Bank, pointing out that the entrenched inequality in the decision-making machinery of these institutions, frozen in time since the end of the Second World War, reflected a broader inequality between different countries that was further exposed by the uneven impacts of the pandemic. His lecture acknowledged the urgency of the



UN Secretary-General António Guterres holds a virtual press conference on 23 March 2020 to appeal for a global ceasefire amid the pandemic. Photo by Kyodo News via Getty Images

demands of the Black Lives Matter, MeToo and climate justice movements, the realities of racism, colonialism and patriarchy, and the failures of marketised approaches to the climate crisis and healthcare. His words were very much in tune with what civil society had been saying and demanding, and seemed to offer a further sign that the UNSG might be moving towards a more independent and critical position.

The UNSG's affirmations of the centrality of rights were not necessarily safe territory, as they came at a time when powerful UN members were emboldening their attacks on rights, and even putting forward remarkably different conceptions of rights to those set out in the UN Charter and Universal Declaration of Human Rights.

In 2020, the UN's biggest financial contributor, the USA, was busy promoting a highly divergent understanding of human rights. A report launched by the USA's then-Secretary of State, Mike Pompeo, from the Commission on Unalienable Rights that he established, **insisted** ⁷ that the rights to property and religious freedom were the most essential rights. The implication was that other rights, such as rights for women and other excluded groups and the essential civic freedoms of association, peaceful assembly and expression, are somehow less important. At the same time, China's increasingly prominent role

in international processes and institutions is enabling it to assert its alternative model, which positions economic development as the realising of a preeminent right, with all other rights subservient.

Russia is also promoting alternative understandings of rights. In October, Russia used the fact that it held the rotating presidency of the UNSC to **propose** a resolution on women, peace and security that threatened to overturn 20 years of resolutions that had continually recognised the role of women in conflict settings and their right to be involved in peace-building, humanitarian response and post-conflict recovery. Russia's resolution, which was supported by China but defeated at a vote, sought to roll back the long-established norm that women's rights are a suitable subject for UNSC attention.

What these various approaches had in common was an attack on the notion, enshrined in foundational UN texts, of the universality and indivisibility of human rights. It is in this context that the UNSG's reassertion of rights can be seen as bold. Even as civil society pushes the UN to go further, there remains a need to reassert and defend fundamental human rights principles. The kind of ideas put forward by these powerful states offer no answers for the pressing problems of our times, such as the climate crisis, entrenched economic inequality, systematic racism and sexism and the denial of civic rights and democratic freedoms. Civil society will continue to urge that the answers for these great scourges lie in realising the full set of rights, and the UN has to stand for this. Civil society will urge the UNSG to continue to take a strong and independent stance.

Civil society will hope that the UNSG stands by his words as he seeks a mandate for a **second term**, as he announced he would be doing in January 2021. Certainly if the UNSG wanted to identify allies to work with on the issues he spoke about in 2020, he would find them in civil society. At the same time, many will want to see some kind of transparent and **competitive process** to either reappoint Guterres or choose his replacement, rather than a walkover for the incumbent, not least so that civil society can, as happened last time, put questions to candidates and seek commitments on civil society participation. Whoever prevails, civil society will call on the office-holder to stay true to the Call to Action. Civil society will also be calling on the continuing or new UNSG to show real action on the racism that Black UN staff experience and that was **revealed** in 2020, a year when the spotlight also fell on challenging systemic

racism (see this report's chapter on the global struggle for racial justice). Further, civil society has also long been asking why in the UN's 75-year history, the role has never been held by a woman, and will keep pushing for that glass ceiling to be smashed.

LEARNING LESSONS FROM THE SWITCH TO ONLINE ENGAGEMENT

Any strategy to enhance civil society participation in the UN should also learn the lessons from civil society's 2020 engagement with UN institutions, which was largely conducted online with minimal real-world interaction. As the pandemic struck, civil society access to UN institutions, such as the UNHRC, rapidly went online. Much had to change in a short time. The situation was never going to be perfect and was bound to give rise to challenges, but it may also have opened up opportunities. The move seemed to offer the potential to democratise the debate, by enabling participation by smaller CSOs across a wider geographical distribution that are not normally able to participate in person in New York or Geneva.

In response to the rapidly changed situation, a group of CSOs that engage with the UN system, including CIVICUS, worked together to develop **key principles** for meaningful civil society participation in the UN during the pandemic. In these, civil society called on the UN to ensure that the pandemic was not used to restrict civil society access, and for the online participation opportunities to be at least as significant as in-person participation. They urged states and UN institutions to take measures in relation to potential reprisals for online participation, and for technological and financial support to be provided for CSOs struggling with digital divides.

However, during the sessions, technological barriers against participation, in a world where for many people internet access is patchy and several states **restrict** internet usage through censorship, surveillance and shutdowns, were made clear. In UNHRC sessions, problems were reported in receiving up-to-date information, and in people's ability to give video statements. Technical challenges around attempts to have such input could consume a lot of CSO energies and time. The switch also raised questions of who controls and acts as a gatekeeper to the platforms used and the data available, and questions about the quality of the experience of online space, compared to real-world

space. Webcasts of sessions, for example, were only broadcast in the original languages, compared to the translation into UN languages normally provided in the meeting room, penalising people without English language proficiency. The limited prospects for in-person participation at the UNHRC could be seen to privilege CSOs that had an office in Geneva, but even these were unable to involve their global south partners as they normally would. Anti-rights groups and pseudo civil society groups linked to state and ruling party interests, often described as GONGOS (government-organised, or government-oriented, non-governmental organisations), also seemed to enjoy and exploit some heightened level of online participation, in the absence of some of the normal checks and balances and questioning of their bona fides that can occur when they are in the room with genuine civil society.

There were impacts on civil society's ability to influence proceedings. CSOs reported having limited access to draft resolutions. In particular, civil society lost out on the potential to lobby government and UN representatives informally outside the main proceedings, and to connect with others in civil society working on related issues, which are generally seen as unofficial but vital benefits of physical participation. To some extent, the challenges exposed how CSOs, particularly the larger ones that regularly participate in high-level



The first official day of the 75th UN General Assembly in September 2020 is held virtually in a deserted New York City. Photo by Spencer Platt/Getty Images

international arenas, are still dependent on travel and face-to-face interaction. For those with a history of real-world engagement, there was a gap that could not entirely be filled through online activity.

Online virtual events provide more space for CSOs to be included in debates and discussions, and even in the process of making recommendations. They also include grassroots-level organisations. For example, when it comes to conflicts like the one in Syria, we don't often see grassroots groups represented in in-person events at the UN in Geneva or New York. Online meetings give them the luxury to be present, participate and have their voices heard. When events were held in person, they didn't have the opportunity to travel, and even if they had been offered the opportunity, they would have been hindered by visa procedures and lengthy processes to get out of the Middle East and travel abroad. So for these groups, it became more engaging.

It is also more engaging on the budget level. As there is no need to travel, organisations do not need to allocate a budget to this. However, the negative aspect is that with virtual events we lost the sense of diplomacy and interaction. Virtual events don't give us the opportunity to interact, expand our networks or get to know each other well. Another thing we lost is that now we cannot observe the political negotiations taking place: they are now a 100 per cent under the table.

As attendees of a virtual meeting, once the meeting is over, we do not have the luxury to approach others in an informal way. We don't get to interact, expand our professional networks, exchange experiences. These informal exchanges are crucial at any international conference or consultation, and take place at coffee breaks, over lunch, or while waiting in the lobby. This is what we have lost with virtual events.

Layan Al-Dani ⁷, Access Center for Human Rights ⁷, Lebanon

Once the pandemic is over, the old pattern of physical meetings, which places a heavy premium on being in the room, may well be reasserted. For many who feel they have tested the limits of online participation and are experiencing webinar fatigue, that may well come as some relief. But at the same time, the UN has demonstrated, in the face of crisis, that it is capable of adapting its well-rehearsed methods of consultation,

and it is important to learn anything good that emerged from this period of enforced experimentation. Where new participation possibilities have been opened up by virtual participation, it would be a pity to discard them, and to exclude any CSOs that have been able to get access in ways they could not before.

For years civil society has encouraged the UN to modernise its operations to maintain its relevance in the digital age. In 2020, the UN met this harsh reality. The international organisation was forced to take the majority of its operations online, all the while trying meaningfully to reach the global community and advance international cooperation amid a global health crisis, systemic racism, climate change and rising authoritarianism.

Many lessons can be drawn from the pandemic to advance more inclusive international cooperation. In 2020 the UN was made acutely aware of the benefits of internet connectivity, reaching more diverse voices worldwide. People normally unable physically to access UN platforms based in Geneva and New York – due to a myriad of barriers – were now able to contribute meaningfully to UN discussions online. Yet simultaneously, online operations also made the UN formally acknowledge the severe impact for the approximately 4 billion people who continue to remain disconnected from the internet. Those individuals may suffer network discrimination, experience various barriers due to digital divides and inadequate digital literacy resources, or remain disconnected through targeted internet shutdowns.

Moving forward, the UN should continue to provide access to UN discussions through accessible virtual platforms. Just as the UN is built to facilitate state-to-state interactions, the world would benefit from similarly secure and open venues for civil society to connect. When carried out inclusively and securely, online participation presents an opportunity to widen the number and diversity of those engaging with the platform and removes barriers and resource constraints linked to travel.

Laura O'Brien ↗, Access Now ↗

A more blended system of online and offline engagement could be offered to expand participation. The key test of any blended system should be that it maximises civil society's ability to participate and potential to influence.

Virtual events are a good opportunity to increase inclusion, but in a very different modality. One thing is inclusion in negotiation, and a very different one is inclusion in thematic and public debates, in which virtual events have meant a small improvement. The concern is that negotiation processes may become less transparent. There is less transparency in processes to select speakers, topics and mechanisms.

It is easier for civil society to overcome problems of accessibility related to technology than to overcome those that hinder civil society physical access to the UN. So we should keep some of the virtual spaces, while other spaces definitely need to be face-to-face, because there is nothing like being in a space understanding the political context and having the opportunity to raise our hands to ask for the floor or identify opportunities for bilateral or multilateral relationship and action, something that virtual spaces do not allow.

Alessandra Nilo ↗, Gestos ↗, Brazil



The UN Human Rights Council holds its first session of the year, and one of its last fully in-person meetings, on 24 February 2020 in Geneva, Switzerland. Photo by Kyodo News via Getty Images

HIGHLIGHTS AND CHALLENGES IN THE YEAR AT THE UNHRC

Despite the challenges of online working, civil society tried to keep up its engagement with the UNHRC by all means available during 2020 because those engaging believe that in the current struggle for rights, having a strong, effective and principled UNHRC is more important than ever. But in 2020, high hopes and lofty principles clashed with often tawdry realities.

The annual elections of new members of the UNHRC, held in October, offered the familiar but still no less distressing sight of states that are among some of the world's worst rights offenders winning seats on the UN's main human rights body. One of the few scraps of good news was that Saudi Arabia **failed to win** a seat, presumably still paying the price for its egregious and high-profile human rights abuses, not least its 2018 murder of journalist Jamal Khashoggi and its continuing persecution of women's rights activists. But among those elected were serial human rights offenders China, Cuba and Russia. Of the 15 members joining the UNHRC in January 2021, 13 are assessed by the **CIVICUS Monitor** as having serious civic space restrictions,

with three (China, Cuba and Uzbekistan) having closed civic space, five (Côte d'Ivoire, Gabon, Mexico, Pakistan and Russia) having repressed civic space and five (Bolivia, Malawi, Nepal, Senegal and Ukraine) having obstructed civic space. All of these states, which have serious domestic deficiencies in respect for fundamental civic freedoms, and where the state is a major contributor to civic space restricted, are somehow deemed fit to sit as arbiters of human rights standards. With the other two incoming members (France and the UK) having narrowed civic space, not a single new UNHRC member brings to the Council a track record of having open civic space. Once again, with some regional blocs putting forward non-competitive slates agreed through opaque negotiations, some rights-abusing states, including Cuba and Russia, did not have to face election.

With members serving rolling three-year terms, the 2020 intake meant that as a whole, of the 47-member UNHRC, 30 states (64 per cent) are assessed by the CIVICUS Monitor as having serious civic space restrictions, while only seven (15 per cent) have open civic space.



Composition of the UN Human Rights Council for 2021, by CIVICUS Monitor rating for member states.

WHEN SERIAL OFFENDERS SIT ON THE COUNCIL: OPPORTUNITIES FOR CIVIL SOCIETY ADVOCACY

In response to the presence of many serial rights-abusing states on the UNHRC, civil society continues to advocate for higher standards. **Brian Schapira** ⁷ of the Center for Latin America's Opening and Development (**CADAL** ⁷) sets out some ideas for improving the situation:

The only existing mechanism, that of suspension from the UNHRC as provided for in Resolution 60/251 ⁷, is clearly inoperative: it has only been used once, and if it is used again it will only happen when the interests of various countries align in the face of an exceptionally serious situation. Civil society has proposed that this mechanism be reviewed and replaced with a more effective one, but this seems to me extremely unlikely to happen.

However, other measures could help. Firstly, states' votes in the UNHRC should be public. I would love to see how democratic governments that decide to vote for dictatorships in the UNHRC election face their own domestic public opinion. Publicity would also mean transparency, so we would know who votes for whom and governments will have to take responsibility for what they vote for.

A condition could also be established that any country wishing to join the UNHRC must extend an open invitation to the Special Procedures mandate holders to visit the country. An automatic sanction of suspension could also be introduced for any UNHRC member state that, after receiving a certain number of requests for visits from Special Procedures representatives, continues to ignore or refuse them. As an objective ground for non-compliance, this would be simple to apply and would not require debate in the UNHRC.

Additionally, states wishing to join the UNHRC could be required to have ratified all nine major treaties monitored by treaty bodies. Perhaps this would be too ambitious – although I am aware that all of the above is ambitious as well – because it would also exclude from membership of the UNHRC some democracies that have not ratified all of these treaties.

There are many proposals out there, but any real change will depend on the decision of states. That is precisely why it is important to shine a light on these

problems and bring them into public debate so that societies themselves, or at least the most committed and informed segments of the population within open societies, put pressure on their governments to make progress.

Domestic-level civil society advocacy, particularly with states that have relatively open civic space and respect for democratic freedoms, is one pathway for trying to achieve change.

As civil society, we must exert a strong influence on states with high standards of democracy and respect for human rights, so that they exercise as much committed diplomacy as possible on this issue, be it in the context of the elections to the UNHRC, in discussion of resolutions on country situations within the UNHRC, in the context of the Universal Periodic Review, or possibly when it comes to suspending a country's membership of the UNHRC.

Because of the geographical distribution of seats, and due to the alliances woven within the UN, where many countries turn a blind eye, apply double standards or protect each other, it is difficult to prevent dictatorships from joining the UNHRC or suspend them when they commit serious violations. But working on the engagement of democratic countries can help make these situations visible and put pressure on countries with the worst human rights records. Democratic states could make public their opposition to certain candidacies. They could also abstain from voting and call on other countries to do so, if all countries standing for members from a specific region are disrespectful of human rights. This public shaming may bring some relief to those who suffer domestically from abuses and may help bring about some change.

Civil society can take advantage of the visibility brought by membership of the UNHRC to blame, shame and give visibility to the violations committed by its members, exposing their contradictions. And we can do this both when they submit their candidacy and once they join the body. We can make our questioning public by demanding that they honour the commitments they made when they became candidates, respect the treaties they signed, accede to the treaties to which they are not yet a party, grant an open invitation to all UN Special Procedures office-holders, accept Rapporteurs' requests for visits, establish real mechanisms for complying with recommendations and collaborate with the human rights protection system.

A great instrument we have to push countries to comply with human rights standards are the Special Procedures, the office holders of which are elected by the UNHRC but are made up of independent experts. Despite their debatable and improvable aspects, these procedures constitute the most virtuous side of the universal protection system – its ‘crown jewel’, in the words of former Secretary-General Kofi Annan. It is there that we as civil society tend to find the most receptive conditions to our claims and complaints. To preserve this space, we must also be very vigilant that the interests of the less democratic states within the UNHRC do not interfere with the election and functioning of the Special Procedures. Indeed, there is currently great concern regarding China’s advances within these spaces, which could weaken these independent mechanisms.

Those of us who defend human rights may criticise and expose their contradictions, but we won’t throw the baby out with the bathwater. I can think of no more damaging attitude than that of former President Trump giving up the US seat at the UNHRC on the pretext of very real problems such as dictatorships being members and the disproportionate attention that some situations receive. That is why President Biden’s decision to rejoin the body immediately as an observer member and submit the USA’s candidacy for the next term is something to celebrate. In the face of authoritarian advances, the existing system must be criticised, while still being defended.

Ahead of the 2020 UNHRC election, CADAL drew attention to the election or re-election of several authoritarian states, including [China](#) ↗, [Cuba](#) ↗, [Russia](#) ↗ and [Saudi Arabia](#) ↗. Due to CADAL’s focus on Latin America, it particularly sought to raise awareness of Cuba’s role.

We prepared two research reports: one on Cuba’s relationship with the universal protection system, and another on its voting record in the UNHRC. The latter shows that Cuba has consistently supported dictatorial regimes of various colours around the world, from Iran’s theocracy to Lukashenko’s autocracy in Belarus and Maduro’s dictatorship in Venezuela, to the illiberal and authoritarian governments of Duterte in the Philippines and Ortega in Nicaragua. It has systematically denied humanitarian crises such as those in Myanmar and Syria and has rejected any kind of condemnation or action, such as the creation of country mandates or commissions of enquiry, in the face of the most serious human rights violations in the world.

On the basis of these reports we organised public debates, made press releases and sent communications out to the embassies of democratic states asking them

to increase scrutiny and pressure on Cuba. Once Cuba was elected to the UNHRC, we gathered the support of numerous international, regional, national and even local CSOs, and sent a request to the UN High Commissioner for Human Rights that she demand that Cuba assume its commitments as a UNHRC member, comply with standards, ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which it has been promising to do for 12 or 13 years, and to accept the visit of a series of Special Procedures mandate holders who address issues of particular concern to us, such as the freedom of association, freedom of expression, cultural rights, arbitrary detentions and judicial independence, among others.

In the case of Cuba, the continued exposure of rights violations and the activation of all UN mechanisms can make the regime feel more observed, alleviate its abuses and improve the situation of defenders, democracy activists, journalists and artists who currently experience harassment and persecution.



Manuel Cuesta Morúa, spokesperson for Cuba's Progressive Arch Party, campaigns against Cuba and other autocratic states gaining a seat on the UN Human Rights Council. Photo by Demomlat.com

As 2021 began, in a highly unusual situation, the UNHRC even lacked a president. The rotating presidency, which was the turn of the Asia-Pacific regional group of states to fill, is normally chosen by consensus, but on this occasion was being sought by three states, Bahrain, Fiji and Uzbekistan. Fiji was long the uncontested candidate, with Bahrain and then Uzbekistan putting themselves forward very late in the process.

From a civil society point of view, none of these were ideal candidates: Bahrain and Uzbekistan are rated as having closed civic space, while civic space in Fiji is rated as obstructed, which means that all three states place serious restrictions on civil society at home. Civil society engaged to encourage UNHRC members to make the best possible choice by compiling a **scorecard** on some key aspects of human rights performance, based on clear **criteria**, which indicated that of the three, Fiji was clearly the only acceptable choice. Fiji's representative on the UNHRC had backed the kind of country-level investigations into human rights abuses to which the Council's most abusive states are averse.

Civil society reminded states that the president of the Council plays a key role in upholding the body's integrity, including in cases of reprisals by states against people who cooperate with it; both Bahrain and Uzbekistan were among those states listed in the **UNSG's 2020 annual report** for taking reprisals against and intimidating their nationals for cooperation with the UN. Insiders **accused** China, along with Russia and Bahrain's close ally Saudi Arabia, of using their influence and taking advantage of the reticence of some delegations in online negotiations to try to manoeuvre a favourable candidate into office, as these repressive states sought to shore up their position ahead of the likely return of the USA to the UNHRC under the Biden administration. Despite pressure to withdraw, Fiji, which in 2020 was home to **violence** between Chinese and Taiwanese diplomats at an event to mark Taiwan's national day, refused to back out of the race. Fortunately, when the vote was held on 15 January 2021 amid an unusually high level of international attention, Fiji's candidacy **prevailed**. A small victory had been achieved for human rights. Civil society will now urge the president of the Council to uphold high standards.

Among other 2020 highlights, civil society pressure, coming from **more than 600 CSOs**, was one of the forces behind the UNHRC holding an **urgent debate** on systemic racism and police violence against people of African descent in June, amid the wave of protests in the USA and worldwide that followed the police killing of George Floyd in May (see this report's chapter on the global struggle

for racial justice). The debate, in which George Floyd's brother, **Philonise Floyd**, gave moving testimony and in which numerous civil society representatives participated, showed the potential of the UNHRC to scrutinise and take action on breaking human rights events. However, the resolution agreed, while a step in the right direction, fell far short of civil society's hopes, being framed around systemic racism and police brutality in general rather than focusing specifically on the problem in the USA, and mandating a global report rather than the independent inquiry many in civil society sought. The outcome reflected pressure by US allies to water down the resolution. Civil society will, regardless, try to make the best of the opportunity; in August, the American Civil Liberties Union **coordinated** a vast number of families of victims of police killings and CSOs to put their views to the UN High Commissioner for Human Rights about what the report should address.

Another civil society disappointment came in the finalisation of a resolution on the Philippines, passed in October. Civil society had hopes that the resolution would help hold the Philippines to account for its egregious human rights abuses committed in the context of President Rodrigo Duterte's '**war on drugs**'. This has seen killings that may stretch into the **tens of thousands** and an ongoing campaign of **extrajudicial executions**, **raids** on CSOs, the **shutdown** of critical media sources and **reprisals** against civil society representatives for engaging with the UN. The hope civil society had was that the resolution would establish an **international investigation** into the human rights situation in the Philippines, but instead the resolution **prioritised** "technical assistance and capacity-building" to help the government of the Philippines meet its human rights commitments: this is an offer that President Duterte, who has a track record of ridiculing and rebuffing international scrutiny, will find easy to live with. The only positive was that the resolution **keeps** the Philippines on the UNHRC's agenda for the next two years, potentially giving civil society more opportunities to push for stronger scrutiny.

Civil society **expressed** its dismay at this tame resolution; informally, some delegations suggested that this was in part due to the impacts on the pandemic on the UNHRC's ways of working, with limited ability to take part in negotiations, a lack of expertise around online negotiations, some unwillingness to take strong lines in these by diplomats, and the absence during negotiations of civil society representatives from the Philippines, who under normal conditions would have been able to share their stories, remind state representatives what was at stake and exert moral pressure. These are the people who were let down by the resolution.



People in Quezon city, Metro Manila, Philippines, take part in a protest against President Rodrigo Duterte's repressive Anti-Terror bill on 12 June 2020.

STAND AS MY WITNESS TERESITA NAUL, PHILIPPINES

Imagine being in prison? The 'crime'? Speaking up and standing for what you believe in. CIVICUS is sharing the stories of people behind bars and urging people to call on governments to protect rights, uphold justice and stop harassing and imprisoning human rights defenders across the globe. Human rights defenders are asking you to #StandAsMyWitness.

Teresita Naul tells her story:

I am 62 and a human rights defender in the Philippines. I have dedicated my life to protecting the poorest and the most marginalised. I advocate for their right to health and other basic social services. I am a member of the Secretariat of the Union of Peoples' Lawyers in Mindanao – Cagayan de Oro Chapter and Coordinator in Northern Mindanao for Karapatan, a leading human rights group.

I was among those **arrested** just two days after the country had been placed under lockdown due to the pandemic. On 15 March, I was arrested in Lanao del Sur, on the southern island of Mindanao, by the Philippine Army and national police on charges of kidnapping, serious illegal detention and destructive arson. Police have claimed I am a member of the New Peoples' Army – an armed rebel group associated with the Communist Party of the Philippines.

I have been accused together with 554 other people of being involved in an attack against the military based in Agusan del Sur in December 2018. According to human rights groups, **others accused** of being involved include activists and journalists from Caraga and the Northern Mindanao Region, and also include nuns, a lawyer and public sector employees.

After my arrest I was paraded in front of the media as a 'high ranking official of the Communist Party'. I remain detained at the Agusan del Sur Provincial Jail, in overcrowded and unsanitary conditions that put my life at imminent risk, given my serious breathing disorder. I have been denied visits from my lawyer and family and exhausted as I have been tasked with cleaning the common toilets.



**TAKE ACTION.
CALL FOR TERESITA'S RELEASE.**

More welcome developments at the UNHRC during 2020 included the extension of the mandate of the UN Commission of Inquiry on **Burundi** ⁷ and UN Special Rapporteur on **Eritrea** ⁷, each for another year, and of the UN Independent International Fact-Finding Mission on Venezuela for two years. The renewal of the Burundi mandate came after **over 40 CSOs** ⁷ joined together to urge the Commission, the only remaining independent mechanism documenting human rights violations in Burundi, to maintain its scrutiny during an uncertain time following a change of president (see this report's chapter on democracy under the pandemic). Its September **report** ⁷, based on over 300 personal testimonies, identified that sexual violence was a commonly used tool against people perceived to be supporters of the political opposition, including against men as well as women and girls, and documented a catalogue of abuses against children and young people. Also in September, the Venezuela mission **reported evidence** ⁷ of widespread and systematic violations, including extrajudicial executions, sexual violence, enforced disappearance and torture, and the use of lethal weapons against protests; a CSO was subjected to high-level smears after cooperating with the UN High Commissioner for Human Rights during a visit. In a closely contested vote, the UNHRC also **established** ⁷ an Independent Fact-Finding Mission on **Libya** ⁷ to probe human rights violations, a move that civil society welcomed.

During 2020, a coalition of Palestinian, national and international CSOs also **called on** ⁷ the UN to reconstitute the UN Special Committee against Apartheid to investigate the Israeli government's treatment of Palestinian people. However, in October, Israel's representative **interrupted** ⁷ the presentation of a joint statement by civil society on the issue, using a point of order to accuse the CSOs making the statement of using inappropriate language, in a move that seemed to signal an increasing boldness by the government of Israel to call into question civil society's role in international scrutiny and accountability.

Meanwhile, at the UN Human Rights Committee, the body that monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR), in 2020 civil society welcomed the agreement of the **UN General Comment on the right of peaceful assembly** ⁷. This text provided legal guidance on the interpretation of ICCPR article 21, which sets out the fundamental right of peaceful assembly, a crucial one on which civil society relies and one of the rights, along with the freedoms of association and expression, that constitute civic space. The General Comment, developed with input from civil society,

defined that peaceful assembly is a fundamental aspect of democratic society, that everyone can exercise this right and that the right applies to public, private and online activity. The guidance made clear that the ICCPR places positive obligations on governments to facilitate peaceful assemblies and protect participants from danger that may arise from those opposing the event, and a duty not to prohibit or disrupt assemblies. It also stated that participants in assemblies, such as protesters, have the right to wear face coverings and that governments should not intimidate participants or collect personal data on them, or shut down internet activity in relation to a peaceful assembly, all of which are acts committed by multiple states during 2020, as other chapters of this report attest. Civil society will now work to use the General Comment as another tool to hold states to account on their human rights failings and to promote the recognition that common forms of peaceful assembly, such as protests, are part and parcel of democracy.



An Amnesty International activist hands over a petition at the Saudi Arabian embassy in The Hague, The Netherlands, demanding the release of jailed women human rights defenders in November 2020. Photo by Pierre Crom/Getty Images

SAUDI ARABIA'S G20: A DIFFERENT ADVOCACY OPPORTUNITY FOR CIVIL SOCIETY

Another space in which civil society normally tries to engage is the C20, the civil society process within the G20, a forum of many of the world's major economies. Civil society participates in the C20 to urge G20 decision-makers to be guided by human rights and inclusion principles. However, while civil society generally tries to make the most of engagement opportunities, in 2020, progressive, rights-oriented civil society chose to defend and promote human rights and inclusion principles by boycotting the space.

The reason was the assumption of the G20's rotating presidency by Saudi Arabia. In the light of this, in January, over 220 CSOs endorsed a **statement** issued by Amnesty International, CIVICUS and Transparency International in which they announced that they would not participate in a sham C20 process hosted by a country characterised by the complete absence of civic space and a government that remained relentless in its persecution of civil society, and of women's rights activists in particular. The C20, and the broader G20, would only be part of a lavish public relations campaign in which Saudi Arabia attempted to launder its deservedly low international reputation and encourage foreign investment.

Despite its limitations and weak engagement with civil society, the G20 has been a relevant space to bring our concerns directly to governments and advocate with them to tackle the most critical issues we face. Unfortunately, in 2020 the space for civil society engagement became significantly reduced when the presidency of the G20 and all its Engagement Groups, including the C20, passed to Saudi Arabia – a decision taken by G20 governments in 2017 in Hamburg, Germany.

*Saudi Arabia is a state that provides **virtually no space** for civil society and where independent civil society voices are not tolerated. It systematically suppresses criticism from the media, regularly arrests and prosecutes human rights defenders, censors free speech, limits free movement and tortures and mistreats detained journalists and activists. This makes civil society participation ethically dubious.*

In addition, the C20 principles emphasise a series of elements that the Saudi presidency is unable to provide, such as inclusion of a variety of truly independent civil society actors, from local to global, the transparency of decision-making procedures and the guiding values of human rights, gender equality and women's empowerment. By participating in the very limited space that the Saudi government would be able to provide, we would only help launder Saudi Arabia's international reputation. The

Saudi government has already recruited expensive Western public relations advisors and spent millions of dollars to polish its tarnished image.

In response, an overwhelming number of CSOs from all over the world joined their voices together and decided to boycott the C20 hosted by Saudi Arabia this year.

Emilia Berazategui, Transparency International

As the pandemic erupted, the idea of a virtual civil society counter-summit started making ever more sense, and civil society organised online to produce a series of policy recommendations to bring to the attention of G20 governments.

Civil society also took the opportunity to focus joint advocacy on the human rights abuses of the Saudi regime, specifically demanding that the Saudi authorities **free jailed women activists**, drop all charges against them and undertake meaningful women's and human rights reforms, while also asking those who were taking part in official events, including influential states, to support this advocacy through both public and private channels. In this way, civil society's refusal to legitimise the deeply flawed participation space offered its own opportunities for advocacy. International pressure paid off when women's rights activist Loujain Al-Hathoul was **released** from jail after 1,001 days in February 2021 (see this report's chapter on challenging exclusion), although justice still remained denied for many others in jail, and the advocacy will continue. Civil society will also now re-engage in formal C20 processes for the 2021 G20 meeting, being hosted by Italy.



Fierce activist for abolishing the discriminatory male guardianship system and fighting against the driving ban for women. She remains in detention since July 2018 along with the brutal crackdown on the women's rights movement.
–Nassima al-Sadah

Human rights CSOs boycott the Saudi G20 process and campaign for the release of jailed activists such as Nassima Al-Sadah. Photo by HRW

REGIONAL RIGHTS INSTITUTIONS AND THE ICC

The UNHRC was not the only international institution that civil society engaged with to defend rights in 2020. Regional rights bodies continued to play a valuable role. In April, after more than 20 years of litigation, the Inter-American Court of Human Rights **ruled** ⁷ in favour of the Lhaka Honhat Association of Indigenous Communities and ordered the state of Argentina to grant the community a single title of communal ownership over 400,000 hectares of ancestral lands; it was the first time that the court recognised a state's violation of the rights to cultural identity, a healthy environment, food and water. In October, the Inter-American Court again **ruled** ⁷ against Argentina in a racial profiling case: the state was declared responsible for the illegal, arbitrary and discriminatory detention and death of an Afro-Uruguayan citizen in police custody in 1996, and ordered to train its police force and implement mechanisms to record arbitrary detentions.

In July, the African Commission on Human and Peoples' Rights found in favour of **two Rwandan journalists** ⁷, Agnès Uwimana and Saidati Mukakibib, who had received lengthy jail sentences after having been found guilty of defaming President Paul Kagame; the government of Rwanda, which **tightly polices** ⁷ dissent and arrested multiple journalists during the pandemic, was asked to revise its defamation laws, which make criticism of the president a risky undertaking. That same month, the East African Court of Justice **ruled** ⁷ that 15 judges in South Sudan had been unfairly dismissed when they were sacked during a 2017 strike over working conditions, and should be reinstated. In November, the European Court of Human Rights **ruled** ⁷ that the government of Turkey had violated the right to the freedom of expression and liberty and security of a group of journalists when it placed them in pretrial detention in 2016 and ordered the government to pay damages to those involved.

These cases all indicated the role that international institutions can play in holding governments to account and upholding rights when they are not being respected domestically, and the potential for civil society to use them as a mechanism of next resort when domestic paths to redress are blocked.

But given these positive roles played by regional and continental bodies, it was disturbing that some governments moved to limit the ability of people



Members of affected communities attend a hearing of the Inter-American Court of Human Rights on the Lhaka Honhat case. Photo by Centro de Estudios Legales y Sociales

and organisations to seek justice from them. In 2020, the governments of **Benin** ⁷ and **Côte d'Ivoire** ⁷ both made it no longer possible for people and organisations to appeal directly to the African Court on Human and Peoples' Rights, following in the footsteps of **Tanzania** ⁷, which did so in 2019. All of these moves came in the run-up to elections, held in Côte d'Ivoire and Tanzania in October 2020 and due in Benin in April 2021, all of which involved incumbents standing again. In Côte d'Ivoire, the decision came after the African Court ordered the government to suspend the arrest warrant of an opposition presidential candidate and free his supporters from detention. In Benin, the government also removed the provision for people and organisations to appeal directly to the Court of Justice of the Economic Community of West African States.

These new limitations paid their own backhanded compliment to the value civil society sees in such institutions amid domestic restrictions, and civil society will keep working to reverse these changes in the countries in which they have been introduced, and to resist any domino effect in which other African states are tempted to adopt similar measures.



Despite a ban on gatherings, on 13 June 2020 people demonstrate outside Sydney Town Hall against the Australian government's detention of refugees. Photo by Jenny Evans/Getty Images

At the ICC, the global court of last resort for major crimes, new ground was broken in July, when the **trial began** of a former Islamic militant who is alleged to have forced hundreds of women into sexual slavery in Mali. The charges related to the occupation of the city of Timbuktu by Islamist groups in 2012 and 2013. Alongside charges of crimes against humanity and war crimes, this was the first time the ICC prosecuted someone for the charge of persecution on the grounds of gender. For civil society, this held hope that impunity for crimes that target women will be challenged.

In February, an ICC investigation found that **Australia's** migrant detention camps in Nauru and Papua New Guinea may have breached international law. In December, the ICC prosecutor's office **stated** that there is a "reasonable basis" to believe that crimes against humanity were committed in the Philippines in the context of the 'war on drugs'. ICC investigations continued

into the crimes committed against Rohingya people in Myanmar; for the first time, the investigation documented **confessions** by two former Myanmar soldiers detailing their role in the indiscriminate killing, rape and mass burial of civilians. Myanmar is also currently under investigation by the International Court of Justice (ICJ) over alleged violations of the Genocide Convention. In January 2020, the ICJ **issued** a provisional order that the government of Myanmar should comply with its obligations under the Convention, protect Rohingya people and prevent evidence relevant to the investigation being destroyed. In May, the government **submitted** its first report to the ICJ, but despite this there seemed clear evidence that attacks were continuing, and Rohingya people reported that the military were still committing violations in Rakhine State, including shelling, even before the military strengthened its grip on power in the February 2021 coup.

During the year, civil society also got involved in the process of assessing candidates to become ICC prosecutors, with the Coalition for the International Criminal Court, a network of 2,500 CSOs, **working** with the ICC Secretariat to set questionnaires for candidates, asking them to outline their background, qualifications, experience, vision and views on international justice and the ICC. When repressive Bangladesh nominated a candidate who was a judge with a history of making decisions in favour of the country's repressive ruling party and with a long career of supporting the death penalty, civil society proved its power: it pushed back against his nomination, exposing him as unsuitable for the office and causing his candidacy to be **withdrawn**.

However, the year for the ICC was dominated by the US government dramatically raising the stakes in its ongoing confrontation, when it **imposed sanctions** on senior ICC officials, including Chief Prosecutor Fatou Bensouda. This move came after the ICC launched an investigation in March into alleged war crimes and crimes against humanity in **Afghanistan**. US sanctions came in retaliation to the Afghanistan investigation, which encompasses allegations of war crimes committed by US forces, as well as an investigation of allegations of crimes committed by Israeli forces in Palestine. Alongside sanctions, in a move that reeked of deflection, the US government declared that it was **launching** its own investigation of the ICC, alleging corruption. In response to the imposition of sanctions, a group of human rights lawyers launched a **lawsuit** against the US government, saying that out of fear of serious consequences for cooperating with the ICC their work had been put on halt.

The US government never signed up to the ICC and has a long track record of resisting its potential scrutiny of US actions abroad, but this move marked an escalation of hostilities under the Trump administration. In applying the sanctions, which included **travel bans and asset freezes**, then-Secretary of State Pompeo accused the ICC of “illegitimate attempts to subject Americans to its jurisdiction,” while the then-US Attorney General William Barr **described** the body as “little more than a political tool employed by unaccountable international elites,” an attack that seemed to call into question the entire legitimacy of the international human rights system.

The US government’s approach marked a grotesque misapplication of the notion of sanctions, which are typically used against those who have committed egregious rights abuses, but were instead being deployed against those seeking to hold rights offenders to account. In acting in this way, the US government showed it had little sympathy with the living victims of human rights abuses, who look to the ICC as a last opportunity for redress when domestic courts have failed them. Civil society will be calling on the Biden administration to adopt a more positive approach towards the ICC, even if the US government is unlikely to become a supporter of the Court.

At the same time, another retreat from international accountability was being taken by the UK government, which introduced a proposed law to protect members of the British armed forces from legal action. The proposed law would impose a **five-year limit** on the ability to prosecute members of the armed forces from abuses committed while serving outside the UK, and a **presumption against prosecution**, potentially shielding officers from being held to account for a wide range of crimes, including torture. The time limit could discourage prosecutions, given the complex and often lengthy nature of processes of investigation, in which it may take years before victims feel safe enough to come forward. This change by the UK government, **criticised** by Nils Melzer, UN Special Rapporteur on Torture, signalled a further move, by another of the five permanent members of the UNSC, away from the notion that impunity should be challenged and states with histories of foreign military intervention should be scrutinised and held to account.



People watch a hearing of the International Court of Justice at a restaurant in a Rohingya refugee camp in Bangladesh on 23 January 2020. Photo by Allison Joyce/Getty Images

A POST-BREXIT FORK IN THE ROAD FOR THE EU

With the tortuous process of the UK's withdrawal from the EU finally moving to completion, civil society attention fell on what the EU, with its 27 remaining member states, might look like. As the world's most powerful international union of states, how the EU acts and what priorities it decides to pursue can have global significance. Renewal, and a process of consultation with European citizens, was supposed to be a highlight of 2020, but like other international institutions, much of the EU's energy was spent on trying to respond to the pandemic.

Alongside the pandemic and Brexit negotiations, the other issue that dominated attention was the increasing refusal of the governments of Hungary and Poland to abide by the fundamental values that they signed up to when they joined the EU, including respect for human rights, civil society and the rule of law. Negotiations to agree a COVID-19 support package for member states were inevitably contentious, not least because Poland, a serial rights offender, would be one of the biggest recipients of support, something objected to by some of the EU's largest contributors, which have criticised Poland's human rights record. Civil society advocated that support to Hungary and Poland should be made conditional on adherence to EU standards on the rule of law and civic rights. But the fact that the package had to be agreed unanimously gave the EU's increasingly rogue states veto power, and negotiations remained deadlocked for most of the year, also holding up agreement on the EU's seven-year budget.

Battle lines were emphasised in October when the governments of Hungary and Poland **announced** their intention to set up their own 'rule of law' institute, just ahead of the European Commission's publication of its first rule of law report. The intention to muddy the waters and promote an alternate and skewed notion of what constitutes the rule of law seemed clear. Hungary's Prime Minister, Viktor Orbán, called for the resignation of the European Commission vice president for Values and Transparency, who had criticised Hungary, signalling a lack of willingness to accept any form of European criticism.

The backdrop to this was the European Court of Justice investigation of Hungary for its laws that require organisations to register as receiving support from abroad and that limit assistance to refugees. In June the Court **ruled** that Hungary's NGO Law does not comply with EU law, meaning that Hungary's government could face EU sanctions if it does not amend it. Viktor Orbán's response was hardly conciliatory, as he stated that a network of liberal imperialists were forcing their views on others and the courts were part of this

network. Another key battle line was drawn in November, when the EU **announced** proposals to criminalise hate speech against LGBTQI+ people under EU law and recognise same-sex partnerships in all EU member states, putting the institution into a direct confrontation with the governments of Hungary and Poland, along with some other state leaders who have stoked homophobia and written it into law for political advantage (see this report's chapter on challenging exclusion).

The package initially agreed in **July** was vetoed by Hungary and Poland in **November** in opposition to its rule-of-law provisions, before eventually being finalised at the last minute in **December**. It was ultimately weak on rule-of-law commitments, **limiting** them as applying only to direct use of EU funds and **deferring** their application until a European Court of Justice ruling on the matter, introducing a significant delay. There was also civil society concern that the plan's emphasis on transition to a net zero carbon economy did not adequately address Poland's continuing apparent determination to further exploit its coal reserves.

Civil society continued, despite these challenges, to try to use the EU as an arena to develop and propagate more progressive norms to help realise human rights. In one example in 2020, over 60 civil society networks and organisations and media bodies came together to develop a **proposal** for an EU-wide law against the use of strategic lawsuits against public participation (SLAPPS), which as covered in previous editions of this report, are legal actions brought by powerful and wealthy people and organisations with the intention of preventing public scrutiny, including by drawing civil society into long and expensive legal actions or encouraging them to self-censor to avoid the costs of legal action.

It might not be overdramatic to say that, post-Brexit, amidst the damage brought by the pandemic and with the assertion of an alternate vision of Europe by Hungary and Poland, a struggle for the soul of the EU is under way. The question is whether it continues to evolve into a progressive bloc that champions and proves the value of democratic freedoms, the rule of law, respect for human rights, action on climate change and the inclusion of civil society, or whether it goes backwards and becomes an institution focused only on trade and economic advantage, hamstrung by the assertion of narrow presidential sovereignty, obsessed with maintaining borders, hostile to migrants, where only money can move freely. Civil society must continue to be recognised as key allies in pushing for the more expansive vision.

WHAT VERSION OF A GLOBAL BRITAIN?

Meanwhile, having left the EU, in the UK a key question was that of what kind of international outlook the country would take: would trade be the overriding goal as the UK sought to rework its international relationships, or would the country stand for something more on the world stage? For civil society looking for early indications, a severe blow came in June, when the UK government announced that its development agency, the Department for International Development (DfID), would be merged into its foreign ministry, the Foreign and Commonwealth Office (FCO). The UK was not the first donor state to do so – the governments of Australia and Canada have made similar mergers in recent years – but this move was particularly significant, since the UK enshrined a commitment to give 0.7 per cent of gross national income (GNI) as official development assistance (ODA) into domestic law in 2015, making it the second biggest international donor after the USA and the largest per capita. Among many in civil society, DfID had generally been viewed as one of the bilateral donors that was more open to and supportive of civil society.

Although the move had long been mooted by those on the right of the ruling Conservative Party, the merger decision came without any **prior consultation** with **civil society**, and indeed, seemed to come as a shock to many **DfID staff**. In the midst of the pandemic, and as the government had just performed a politically embarrassing U-turn in response to public pressure on free meals provision to disadvantaged children, the suspicion could only be that the move had been brought forward hastily as a distraction, and as something that played well with Brexit-supporting voters intent on further retreating from internationalism. The move was justified with reference to efficiency and policy coherence, as such moves **often are**, even if the realities tend to **fall short**, but this sparked concern about the potential refocusing of the UK's ODA away from a rights-based approach and a focus on poverty and inequality, and towards convergence with trade and foreign policy goals; among the risks this raises is that development is no longer seen as a goal in its own right, but only a means to advance domestic political aims, and that people become even more positioned as the recipients of aid, rather than aid being framed around realising their rights.

UK civil society also expressed the concern that as well as losing valuable development expertise, the UK was giving up much of the soft power it gained through providing ODA, at precisely the time it was internationally weaker after leaving the EU. To some extent

the UK's aid policy had been drifting in this direction for some time, with DfID increasingly hollowed out of staff, its ministers shared with the FCO and other UK government departments **claiming shares** of ODA to do work that was more about security and business than development, but the effective abolition of DfID clearly marked a significant acceleration of this trend. Concerns were not assuaged when in August a new UK programme focusing on workers in global south supply chains was almost entirely **framed and promoted** around the benefits for UK consumers.

And then in November the UK government caused a further shock by **announcing** it was breaking a manifesto commitment and dropping its ODA provision to 0.5 per cent of GNI, in a move positioned as a response to the economic impacts of the pandemic. With GNI already plummeting due to the pandemic's economic repercussions, this marked a huge drop in the UK's development spending; in January 2021 it was **reported** that UK diplomats had been told to make cuts of at least 50 per cent in bilateral aid. The implication is that the many CSOs that have received DfID support can expect a major loss of funding, and people in global south countries that have already been hit hard by the pandemic will take a back seat to the UK's economic recovery. Ominously, there was no commitment as to when the 0.7 per cent level would be restored. Meanwhile, at the same time that it announced the ODA cut, the UK government committed to a **US\$21.8 billion increase** in defence spending. The post-EU priorities of the UK seemed to have been clearly stated.

The UK's extensive civil society international development community faces an uphill battle in reasserting the value and role of development, and in trying at least to return to former levels of ODA. The major challenge they will have to take on is that international development spending is unpopular with the British public. Opinion polls showed that **two-thirds of people**, across the political spectrum, approved of the ODA cut. At a time when the UK's international role has become an issue of intense focus in its domestic politics and many are embracing isolationism, it has become very difficult to argue for the value of international development. Britain's civil society has failed to make an argument for the value of development in a way that resonates with most British people, or at least removes it from the political firing line. It now faces the considerable challenge of making a new case at a difficult time.

PUSHING THE BOUNDARIES: CIVIL SOCIETY'S WORK TO DEVELOP NEW INTERNATIONAL NORMS

As well as using the levers provided by existing human rights institutions and international agreements, in 2020 civil society once again proved itself to be the driver of international innovation by pushing for new commitments. In what should have been the year of climate action, civil society worked to promote the development and understanding of new human rights norms that relate to the impacts of the climate crisis.

One of the fronts civil society is working on is to win recognition of the rights of people displaced by climate change. There is no international law that relates specifically to the concept of 'climate refugee', but civil society efforts are trying to change this. Amali Tower⁷ of Climate Refugees⁷ sets out the thinking here:



Protesters in Melbourne, Australia, highlight the impacts of climate change on migration. Photo by John Englart/Creative Commons

The concept does not exist in international law, but drivers of migration are increasingly intertwined, as has been the case in the context of refugee flows and internal displacement resulting from conflict and persecution. It's no different in the context of climate migration, except that for so many millions, this isn't purely an environmental issue – it's a **justice issue**⁷. For many populations dependent on the land, climate changes have impacts on survival and livelihood, with impacts beyond the individual, to the family, community, local livelihoods, business and so on. If climate is a factor that contributes to migration, it is likely after years of causing deep losses and suffering, intertwined with economic losses and impacts as well as political ramifications. For instance, we can see this playing out among subsistence farmers in Sub-Saharan Africa, Central America and many other regions.

Much of the discussion of a legal framework is stalled in conversations that revolve around migration being largely internal, as well as doomsday displacement projections. The international system is hesitant to push conversations that will securitise migration even further and states are reticent to take on commitments that increase migrant or refugee protections even further.

So for now, advancements are limited to non-binding commitments by states in the Global Compact for Safe, Orderly and Regular Migration, which includes some measures dealing with environmental migration across borders. The Platform on Disaster Displacement is a state-led initiative doing good work on the protection of people displaced across borders by disasters and climate change.

I settled on the term 'climate refugees' to provoke conversation. To emphasise the political responsibility of climate change. To raise awareness of its ability to impact on, one might even say persecute, some people more than others. To contribute, provoke and challenge policy. To highlight the needs by giving voice to those affected and to help seek their legal protection. Ultimately, to present this as an issue of equality. We use the term 'climate refugees' to draw attention to the political responsibility of rich countries, certain industries and others to ensure fairness, compensation, protection and equality on many levels, because the solutions must also be multi-faceted.

Some progress was made in January, with the first **ruling** by the UN Human Rights Committee on a complaint by an individual seeking asylum from the effects of climate change. The decision stated that countries may not deport people who face climate change-induced conditions that violate the right to life. The complaint, filed by an asylum seeker whose application had been denied by the government of New Zealand and who had subsequently been deported with his family to his home country of Kiribati, argued that the rise in sea level and other impacts of climate change had rendered the island uninhabitable for its residents, and that land scarcity had led to violent disputes. While in this specific case the Committee determined that New Zealand had not violated the applicant's right to life, its ruling advanced novel standards that could open the door to successful climate-related asylum claims in the future.

Civil society is also **working** to make the destruction of ecosystems – ecocide – a legally punishable crime and a new internationally recognised offence. The move is being driven by the **Stop Ecocide Foundation**, working with lawyers, environmental scientists and the states of Maldives and Vanuatu, which have called at ICC meetings for ecocide to be considered a crime. If successful, the campaign could open up a route to ICC prosecution over ecocide if domestic processes fail to bring perpetrators to account. **Jojo Mehta** of the Stop Ecocide Foundation explains why efforts are focusing on the ICC:

We use the term 'ecocide' to refer to mass damage and destruction of ecosystems. We see ecocide as the root cause or one of the key causes of the climate and ecological crisis that we find ourselves in. The destruction of ecosystems repeatedly and relentlessly committed by some of the world's biggest corporations has exacerbated those crises. But this kind of irreversible damage has not been established globally as a crime, and therefore it is still largely permitted. A company can approach their government for a fishing, foresting or fracking licence or permit, get it and go on to produce a massive level of environmental destruction without much repercussion. In the world we live in, this behaviour is accepted, and the economy largely depends on such devastation. We believe it's time to change the rules.

One of the main reasons we aim for the ICC is that there is a set procedure for adding a crime to the Rome Statute, which governs international

crimes. The ICC currently prosecutes four crimes: genocide, crimes against humanity, war crimes and crimes of aggression. If the crime of ecocide is added to the Rome Statute, the perpetrators of environmental destruction would be liable to arrest, prosecution and imprisonment just like war criminals are.

Ecocide is largely perpetrated by corporations, and we encourage all countries to legislate on ecocide within their own jurisdiction. However, there remains a lot of room for big companies able to hire expensive lawyers to work around those laws. Under international law, on the other hand, a corporation could be tried even if it is not prosecuted by the country where the crime was committed or the country where the perpetrator is from; any member state can invoke universal jurisdiction principles if they think the crime is serious enough. This creates a potential for enforceability that no other global mechanism can provide.

The process involves several time-consuming steps. First, a state or group of states need to make a proposal. Second, a simple majority of countries needs to agree to discuss the proposal. Third, there is a lengthy process of negotiations among states to come up with the final text and adopt it. And finally, states have to ratify it. The last time the Rome Statute was amended, when the crime of aggression was added, it took seven to 10 years. We believe that for ecocide the process could actually be a lot quicker because there is far greater awareness of the problem and this is such a decisive decade regarding climate change and how we turn things around. Governments are waking up to these facts and the public is becoming more aware, so we estimate that the process could take about five years. It definitely won't take the 20 years it took to get the Paris Agreement in place, because now the urgency is so much clearer.

Momentum is building. Several other states, including Belgium, Finland and France, have expressed **interest** in taking the idea forward, and in November Pope Francis called for ecocide to be recognised as an international crime against peace. The Stop Ecocide Foundation has put together a panel of lawyers to draft a legal definition of ecocide. Clearly, the campaigns, both on climate refugees and ecocide, have considerable obstacles to overcome, but civil society will keep pushing. The past history of civil society's international engagement offers every hope that these innovative ideas will eventually come to fruition.



Extinction Rebellion activists campaign for the codification of ecocide as a crime in August 2020 in London, UK. Photo by Peter Summers/Getty Images

LOOKING FORWARD: THE UN IN AN EVOLVING CONTEXT

The current year could well be a significant one for the international system. One key opportunity comes from the change of presidency in the USA, which holds the promise that the chaotic hostility of the Trump administration towards international cooperation will give way to a more constructive approach. The Biden administration has begun the process of rejoining the Paris Agreement and cancelled the WHO withdrawal, and President Biden has also **pledged**⁷ to rejoin the UNHRC. The opportunity this offers is not to seek to go back in time to the international system as it was before Trump, out for the Biden administration to explore and model new ways of working. The USA's economic and political power means both that global institutions lack credibility if it is not an active member and that its reinsertion into international processes that are still chiefly organised around states is inevitably going to change dynamics. The present moment offers a rare opportunity for the US government to reset its relations with the international system for the betterment of all; if it threw its weight behind the key global initiatives for human rights, social justice and climate justice, it could make a huge difference to how the world recovers from the pandemic.

The sad truth is of course that the USA has frequently failed to be a force for good at the multilateral level. It could break with that tradition, but it cannot do so if it simply expects to walk back into its old roles. Even in a few years, positions have shifted and other states have filled space vacated by the USA. The Biden administration should accept this changed reality with sensitivity and humility and commit to working as a coalition partner and consensus-builder. With Russia behaving reprehensively in key institutions such as the UNSC and China pursuing its clearly self-interested agenda, the USA should put narrow self-interests to one side in its global engagements. If the Biden administration is serious about human rights, democratic freedoms and climate action in its multilateral re-engagement, then it should of course work with civil society, as a major source of advocacy, accountability and innovation on these fundamental issues, and should seek not to co-opt civil society as a vehicle for its agendas, but rather respect the autonomy and agency of civil society, and commit to working as a partner.

The pandemic will be present for some time yet, given the likely slow rate at which many global south countries will get access to vaccines. Further concerted international efforts are needed to challenge vaccine nationalism and to ensure universal vaccine access as a human right as soon as possible, backed by communication attempts to challenge vaccine hesitancy among some excluded population groups. Civil society will maintain its advocacy but states need to show some humanitarian leadership here. Lessons from the WHO's response to the pandemic need to be learned that may have wider relevance for international cooperation as a whole. The acknowledgement of the fundamental problems highlighted by the pandemic and that worsened its impacts, and the potential to respond to the disruption it caused to bring about radical change, as highlighted by the UNSG during 2020, should not be lost as global north states in particular hurry to get back to business as usual.

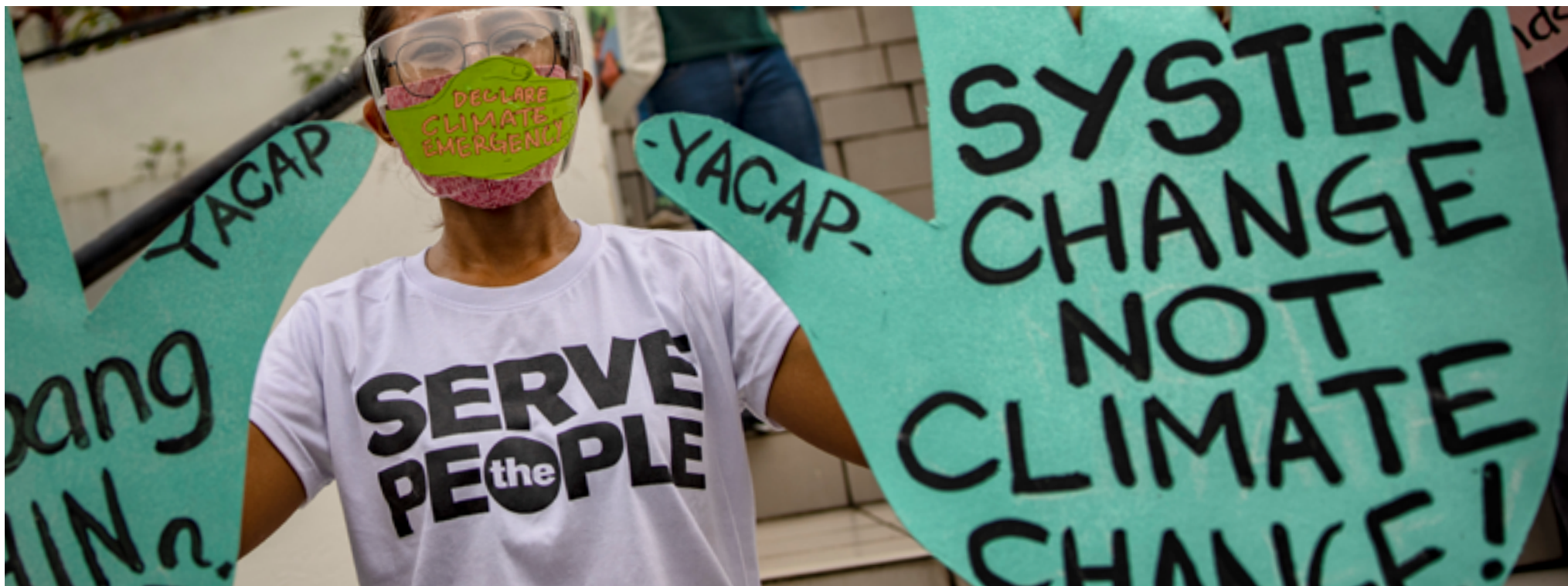
The impacts of the pandemic should force a **renewed engagement**⁷ with the flagship global commitment of the SDGs, given that many people have been made poorer, the rights of women and girls have suffered and inequalities have intensified. The demands for an end to systemic racism, articulated in 2020 in the USA and around the world, should be met with urgency. There is now less than a decade left to achieve the ambitious targets of the SDGs, many of which bear the hallmarks of civil society's influence, and yet too many states appear not to have taken the SDGs seriously, or act as if they can be achieved through top-down and technocratic approaches. Civil society has not been recognised as equal partners in achieving the SDGs, and the rights-based nature and social justice values of the SDGs have consistently been downplayed. The call from civil society is that post-pandemic recovery offers an opportunity to do things differently and better, and as part of this, the SDGs offer a roadmap.

Stalled international processes to combat the climate crisis must also come back to life in 2021. COP26 in November must be seen as the last realistic chance for states to commit to real targets to cut their emissions to bring warming to a manageable level, and to demonstrate how they will meet their targets. The opportunity for a green recovery from the pandemic must be seized. The voices of civil society that mobilised in such huge numbers before the pandemic to make climate change an urgent political priority, and that will certainly mobilise en masse again as soon as it is feasible, must be heard. As the global spotlight shifts back to climate change, the chance is there for the international system to show why humanity needs it, to solve the problems

that states alone cannot address. It is in all our interests that it does not fail this test, and it is the role of all of us in civil society to put the pressure on COP26 to show the best of what the international system can do.

When it comes to the UN's ways of working, the use of online participation as a complementary means of consultation alongside real-world participation should be further developed to bring in a wider diversity of civil society voices. The more fundamental changes being sought by civil society – for a high-level civil society champion, a UN parliament and a world citizen's initiative – must be taken seriously, and civil society will keep pushing to see demonstrable progress on these. The process to either reappoint or choose a new UNSG must be highly transparent and give civil society opportunities to dialogue with candidates, and seek commitments from them.

Civil society will continue to remind all who operate within the UN system that they are fulfilling a role that humanity needs. The UN, and all who work within it, must recall its origins, 75 years ago, as a response to the horrors of war and appalling crimes against humanity brought by the evils of fascism, and its promotion of a vision of a world built around its three pillars, of human rights, sustainable development and peace and security, as an alternative. Seventy-five years on, the UN exists in a much-changed world in which new emergencies have arisen, and not just the current pandemic, but the existential threat of climate change. Much has been accomplished, but there are profound and even worsening challenges that exist in relation to core UN issues of human rights, equality and peace. The UN must represent the best hopes and finest aspirations of humanity. Civil society will urge it to be so, and work with it to make it so.



In the hope that it is still not too late, environmental activists in the Philippines mobilise on 25 September 2020 to demand urgent action on the climate crisis. Photo by Ezra Acayan/Getty Images

