



Democratising global governance and multilateralism

Acknowledgements

The research and interviews for this report were conducted and compiled by Lyndal Rowlands. Anne Jellema, Catherine Gatundu, David Archer, Dorte Tietze, Francisco Yermo, Katherine Robinson, Rachel Noble, Sesheeni Joud Selvaratnam, Neelanjana Mukhia and Mary Wandia made substantial contributions. Additional contributions were made by the following ActionAid colleagues: Soren Ambrose, Teresa Anderson, Harjeet Singh and Wangari Kinoti.

We are very grateful to ActionAid allies and partners including: Ayisha Siddiqa, Crystal Simeoni, Daniel Sichilongo, Inna Michaeli, Joy Waruguru Ndubai, Jyotsna Mohan, Mary Chizu, Marianne Jacobsen Toftgaard, Mithela Haque, Sébastien Duyck and Stephen Chacha. Their experiences and insights in engaging United Nations UN entities, programmes and specialised mechanisms were invaluable to the completion of this research.

ActionAid, *“Democratising Global Governance and Multilateralism”*, Johannesburg, 2021

Edited by Stephanie Ross

Design and Layout by © themediachilli, Cape Town (South Africa)

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“But really, [the neoliberal discourse] destroys the lives of millions of women around the world. And I think it is important to say, neoliberalism looks very shiny and progressive, but it is ugly, and it is patriarchal. And it is exploitative, and violent.” **Inna Michaeli, Director of Programmes, AWID, interview 1 October 2020**

Executive summary

Despite significant advances in international commitments and national legislation, human rights are under attack in countries across the world. Dissenting voices are being silenced, persecuted, jailed, and even killed. The ‘hidden power’ of international and regional financial institutions and large corporations is growing, and in some cases shaping development and undermining democratic processes.

New research by ActionAid reveals the extent to which corporate and right-wing threats are dismantling our democratic systems. The research seeks to: demonstrate the links between neoliberalism, fundamentalisms, and the capture of open, democratic multilateral spaces; highlight how violations of the right to civic participation for civil society at the international level undermines the mandate of multilateral institutions and shrinks space for the equitable, democratic participation of governments, especially from the global south and; offer policy recommendations and alternative strategies for states and multilateral institutions on how to protect and expand civil society engagement within multilateralism, notably for women and young people advancing progressive, people-centred agendas, both as a right and to ensure effective and sustainable responses to sustainable development including the multiple global crises we face.

Multilateral systems including the UN are under attack from all sides, reducing true representation and participation from those at the forefront of today’s interconnecting crises, including climate change, COVID-19, humanitarian crises, gender injustice, conflict and neoliberalism-driven economic failure. We are currently witnessing an increasingly fragmented political, social and economic world order. We have seen a US government whose commitment to substantive multilateralism is at best selective, a Russian regime that seems bent on undermining any system that does not conform to its own ambitions, and a Chinese government that, although committed to a rules-based international order, wants to change the rules and control the outcomes. It is hardly surprising that the multilateralism of today often degenerates into empty posturing, or worse: a mimicry of effective action.

Multilateralism represents a hard-won democratic right. It represents a forum where: the same rules apply to all countries; one state has one vote; the public good is a central concern; international human rights standards and systems to hold governments to account are enshrined; and institutions are mandated to foster cooperation and solidarity. But funding cuts, withdrawal by countries from mechanisms such as the UN Human Rights Council and the Paris Agreement, the rise of multi-stakeholderism¹ with its dominant corporate voice, and the weakening of or failure to implement human rights treaties and laws, is undermining the idea of a rules-based order. The focus is moving away from protection of the vulnerable, to enforcing the law of the strong.

Governments and multilateral institutions have become increasingly limited in their capacity to solve global crises as transnational corporations have grown in size and influence – outstripping the ability, and in many cases willingness, of governments to hold them accountable and act in the interests of those who elected them.² Transnational corporations are also increasingly creating their own parallel processes alongside multilateral systems of governance by governments. The World Economic Forum, with its self-described membership of “the world’s 1,000 leading companies”, tries to place itself on a level footing with the UN. The group’s annual meeting in Davos, Switzerland, primarily a gathering of the world’s billionaires, comes without any of the accountability structures of other multilateral mechanisms.³

Meanwhile, representatives of some of the biggest historic emitters of carbon, including BP, Chevron and Shell,⁴ participate in UN climate negotiations. Fossil fuel companies openly participate in the UN’s Climate Change Conference of Parties (COP) meetings, as both delegates and financial sponsors.

Governments from the global south are fighting to be heard on all fronts. Corporate tax avoidance and evasion are depriving poorer countries of resources, hindering their ability to push for meaningful change. Global south demands for an intergovernmental tax body are consistently resisted by rich countries, who insist that global tax rules should continue to be set within the Organisation for Economic Cooperation and Development (OECD) – where they have effective control.⁵ Meanwhile COVID has further closed down opportunities for engagement, as meetings move online and power shifts even further toward those countries in the global North that control the technology and, increasingly, the agenda. Public-private partnerships, the darling of corporations and rich countries, have been making their way into global governance, in part due to years of lobbying from the business-based World Economic Forum.⁶

At the same time, a growing number of nationalist governments, supported by anti-gender⁷ and anti-rights groups,⁸ are undermining decades of contributions by women, LGBTQ+ people and young people at the multilateral level. This a serious risk that needs to be urgently exposed and challenged. There is further risk that the COVID-19 catastrophe is likely to provide cover for further closing of civic spaces at national and multilateral levels.⁹ Since the creation of the United Nations more than 75 years ago, civil society has worked alongside governments to craft better multilateral treaties, frameworks and mechanisms for democratic governance and human rights. Yet the right for civil society to participate in public affairs at the international level is being increasingly constricted.

Participatory and transparent systems of democratic global governance are essential to our ability to respond effectively to global crises. ActionAid believes that people living in poverty and exclusion – those at the forefront of these global crises – must be central to driving the solutions. If governments are serious about addressing the root causes of growing global crises, they need to build multilateral institutions that are more participative and representative. At this historical juncture, governments must take urgent steps to ensure that multilateral institutions remain democratic and accountable, so that they can collectively address these crises effectively and deliver on their primary duties to protect rights and deliver justice for all.

Methodology and scope

This paper was informed by 19 key interviews with ActionAid policy advisors, ActionAid partners and allies engaging with different UN entities, programmes and specialised mechanisms, either as networks or individual organisations. The interviews were conducted between September and December 2020 and include inputs from women and young rights-holders.

Additionally, the research is informed by a desk review of UN, academic and NGO documents and reports, as well as observations on the proceedings of relevant meetings. Case studies and other examples primarily focus on the UN and its programmes and specialised agencies and were selected to illustrate the issues discussed.

The findings led us to make several policy recommendations for governments, multilateral institutions and civil society, which can be found at the end of each chapter.

Introduction

ActionAid seeks to achieve social justice, gender equality and poverty eradication by shifting and redistributing power and resources, strengthening the resilience of communities and movements, and fulfilling the rights of people living in poverty and exclusion. Women and young people at the forefront of global efforts to care for and protect people and the planet

were already calling for much more ambitious international cooperation, long before a public health crisis imposed unprecedented new challenges requiring a collective global response. The COVID pandemic means we are now in a second year of major disruption and delay to landmark global meetings, including key negotiations on women's rights and climate change. Yet it is clear we cannot afford to wait to address the world's interlinked climate, economic, human rights and democratic crises.

As highlighted by CIVICUS,¹⁰ the COVID-19 pandemic has exacerbated, accelerated and further exposed crucial global challenges that were at the fore prior to the pandemic: limited human rights and democracy, humanitarian crises, gender injustice, conflict, militarisation, neoliberalism-driven economic failure, inequality, multilateral dysfunction, the climate crisis, and the links between them. These crises are impeding the fulfilment of human rights, both directly in terms of their impacts on the lives and wellbeing of rights-holders, and indirectly because they undermine women, young people, youth movements and citizens' capacity and right to engage politically and demand accountability from governments, corporations or other non-state actors.

Multilateral institutions are mostly hamstrung by the interests and alliances of powerful states, which means they often do little to respond to the great challenges of the day, failing to fight overwhelming inequality or hold states and transnational corporations accountable for human rights abuses.¹¹ Within this context, and as the findings presented in this research show, attacks on multilateralism have been attributed to the rise of corporate and right-wing capture, unilateralism, nationalism, isolationism, authoritarianism, populism and fundamentalism – ideologies that seek to suppress the principles upon which multilateral institutions were founded.

There is a real risk that emergency measures to limit the spread of COVID-19 will become the norm long after the pandemic is brought under control. Virtual conferencing for intergovernmental conferences and negotiations is not a long-term option for civil society and movements. It will lead to unequal participation of poorer countries and representatives of movements in the global south, concentrating more power in the hands of rich countries – those who facilitate the space and control the technology.¹²

The UN's *International Covenant on Civil and Political Rights* and other human rights instruments guarantee everyone the right to free, active, meaningful and informed participation in public affairs. This requires open and participatory multilateral institutions and processes. For system change to happen, progressive forces that stand for social, gender and environmental justice, human rights, democracy, equality and solidarity need to directly confront and overthrow existing neoliberal and anti-rights¹³ hegemonies that are driving the world toward further crises and disaster. Multilateral institutions must be free of the influence of powerful and conservative states, populist leaders, and the profit-driven motivations of corporations.

Despite the obstacles, civil society continues to mobilise for change and advancement of human rights. Today, the role of people – particularly civil society youth and women activists and social movements – contributes to a diversity of voices that are fresh, vocal and innovative. For example, #FeesMustFall, #NiUnaMenos, #QueSeaLey #BlackLivesMatter, and climate justice movements worldwide such as #fridaysforfuture, #ExtinctionRebellion and #schoolsstrike4climate. However, individuals, communities and organisations bravely taking a stand to defend human rights, democracy, gender justice, labour rights, their land and our environment are under attack. According to Front Line Defenders,¹⁴ at least 331 human rights defenders were killed in 2020, almost a quarter of them fighting for land, environmental and indigenous peoples' rights.

In this research, ActionAid documents trends and practices around the governing of civil society engagement in multilateral spaces over the past few decades, highlighting how

states, anti-rights groups¹⁵ and corporate interests have sought to undermine multilateralism by hampering democratic participation, transparent rule making and accountability. We also provide examples of how women and young people are countering these trends and claiming their rights.

To address the underlying causes and long-term consequences of the multiple intersecting crises we face, the rights to freedoms of expression, association and peaceful assembly, as well as the right to participate in public affairs at the multilateral level, must urgently be protected and fulfilled. This is critical for strengthening and rebuilding democratic multilateral institutions and mechanisms anchored on advancing human rights as a defence against future global threats. It is also vital to ensuring an environment in which civil society organisations, citizens and people's movements, particularly women and young people from the most marginalised communities, are considered valuable participants of sustainable development processes.

UN General Assembly Climate strike, 2019



Photo credit: ActionAid

Chapter 1: Constraints to meaningful participation to deliver a just, feminist and sustainable future¹⁶

The United Nations Human Rights Committee (OHCHR) recognises that the right to participate in public affairs extends to regional and multilateral decision-making spaces, since decisions made at these levels may have a significant effect on the realisation of human rights.¹⁷ Civil society participation in the UN system is facilitated by a number of bodies and procedures, including the UN Economic and Social Council and the Department of Global Communications. The importance of public participation at the UN is underscored by the first words of the organisation's Charter: "We the peoples of the United Nations ...". However, recent publications from the OHCHR report that, "Despite the importance of participation at the international level, the workings of international organisations continue to be opaque for most people."¹⁸

Civil society from the global south is disproportionately affected. The COVID-19 pandemic has highlighted and exacerbated the deep inequalities of participation in global governance and caused significant disruption, with many multilateral bodies making rapid choices to either suspend or substantially change the format of meetings and negotiations due to travel restrictions and funding shortfalls. Below are several critical constraints.

1.1 The digital divide

The move to hold more UN meetings online due to COVID-19 has come with both opportunities and consequences for civil society. Civil society organisations face considerable barriers to attending UN meetings in person due to, for instance, travel costs and visa restrictions. Consequently, some have welcomed the move to online meetings. However, a survey of participants at the 2020 High Level Political Forum on the SDGs found that, "50% had either a variable internet connection or local connection challenges that prevented them from joining the session."¹⁹

Holding meetings online disproportionately affects participants from the global south, where only 19% of individuals were online in 2019. Women from the global south are also much less likely to have internet access than men.²⁰ Some official UN meetings held online due to COVID-19 have had reduced accessibility including a lack of closed captioning, sign language interpretation and interpretation into UN working languages other than English,²¹ as the organisation continues to experience funding shortfalls.²²

*There is a flipside to the move to online meetings. Young women from rural parts of Bangladesh and Zambia interviewed for this paper revealed that the move to online meetings meant they were able to participate in meetings they would not have been able to participate in if they were held in person. They observed that they worked with other young people who would have missed out on the opportunity because they lived in more remote areas or could not afford internet access. As Mithela Haque, a youth activist from Chittagong, Bangladesh, observed, "it is not common for young people from Chittagong to participate in conversations with national decision-makers, since they are far from the capital, Dhaka."²³ **Mithela Haque, Bangladesh, and Mary Chizu, Zambia (interview)***

Recent experiences at the UN Framework Convention on Climate Change (UNFCCC) negotiations indicate that going online for key meetings exacerbates power differences between developed and global south, because participants with less reliable or lesser access to the internet are more likely to miss key information and opportunities to intervene.

Online meetings also inhibit civil society access to engage directly with and advise negotiators, particularly for global south countries whose small negotiating teams rely on support from civil society for analysing text. According to the Third World Network: “Only open, transparent and fully participatory in-person negotiations would allow for meaningful equality of participation and access to such negotiations by the global south, and ensure that any negotiated outcomes can also reflect their views and perspectives.”²⁴

As organising and activism have significantly moved online, individuals and organisations have also faced increased technological surveillance and harassment. As PEWS Research notes, new digital means (biometrics, facial recognition, big data, deep learning, artificial intelligence) allow those in power to recognise and profile people (position, behaviour, location, ways of thinking, ideas, political opinions, level of life, health, origins, money, social relationships and so on). Stakeholders can use these devices to make decisions concerning how they deal with those they consider subversive.²⁵

1.2 Visa restrictions and travel bans

Visa denials for civil society members participating in UN meetings are common, despite the commitments of host countries to facilitate travel. Visa denials do not affect civil society equally, but disproportionately affect delegates from the global south, especially those from less affluent backgrounds such as women farmers, community activists and young people. In 2018, when the UN Commission on the Status of Women held its annual meeting with a focus on rural women, most of the 50 or more women denied visas were from rural areas, leading to media reports noting the absence of rural women at the meeting.²⁶ In late 2019, many global south civil society members were unable to attend UNFCCC COP25, after the meeting was relocated from Santiago to Madrid with less than a month’s notice.²⁷ Activists from Yemen and Syria have also reported that travel bans imposed by the United States on their countries have prevented them from participating in UN meetings in New York.²⁸

1.3 Limited space for civil society participation

Non-governmental organisations seeking ongoing formal access to UN meetings and procedures are able to apply for accreditation, with their applications considered by the 19 members of the NGO Committee under the auspices of the UN Economic and Social Council (ECOSOC).²⁹ The NGO Committee is made up of a rotating list of members. However, as of January 2019, more than half of countries represented in the Committee were rated as ‘closed’ or ‘repressed’ by the CIVICUS Monitor, meaning they offer limited space for civic participation.³⁰ Since a single member of the Committee is able to indefinitely defer applications without explanation, several purpose-driven organisations have expressed concerns that their applications have been seemingly arbitrarily deferred. Organisations that had their applications to receive UN accreditation deferred in January 2020 include the Women’s Refugee Commission, International Action Network for Gender Equity and Law (IANGEL), Sex and Samfund, a Danish family planning association, and Mama Cash. The denial of accreditation to Mama Cash is particularly significant, considering it is one of only a handful of funding organisations globally that are specifically set up to fund women’s rights organisations.³¹

NGOs working to promote human rights, democracy and the rule of law are particularly affected by these apparently arbitrary deferrals, which, in some cases, amount to de facto rejections.³² Some deferrals also appear to constitute reprisals against NGOs in response to their cooperation with the UN in the field of human rights, with Committee members using questions about cooperation with the UN to defer applications. Use of NGO activities and criticism against member states at the Human Rights Council as grounds for not granting consultative status is not permitted under ECOSOC Resolution 1996/31.³³

This limits opportunities for civil society participation, overlooking the vital role that progressive civil society organisations and movements play in implementing multilateral agendas concerned with human rights, gender equality and environmental protection. However, despite these contributions, recognition of civil society participation in the national monitoring and reporting of UN mechanisms varies widely. While UN human rights mechanisms provide formal recognition to civil society reporting,³⁴ the inclusion of civil society perspectives is not the norm in all UN agencies and mechanisms. For example, the Sustainable Development Goals' Voluntary National Reviews, national reports presented as part of the review of states' commitments to global climate change agreements, as well as the Commission on the Status of Women, do not formally recognise civil society inputs.

"I think it's important for states, especially those who are happy with an opportunity to push civil society out of those policy spaces, to ask: what kind of legitimacy do you think you would have without the people?"

Inna Michaeli, Director of Programmes, AWID (interview)

1.4 Case study: The Sustainable Development Goals

In 2015, 193 UN member states adopted the 2030 Agenda for Sustainable Development and committed to achieving 17 SDGs by the year 2030. The UN has acknowledged that, "civil society was at the core of the development of the Sustainable Development Goals and should be at the centre of implementation, follow-up and review processes."³⁵

Civil society speakers during the 2020 Asia-Pacific Forum on Sustainable Development saw their speaking times cut or moved to after the formal closing, even after many waited until the early hours of the morning to speak. Despite expectations that the move to online would reduce time pressures, the opposite occurred with a three-day meeting reduced to just six hours.

Jyotsna Mohan, Ph.D., Asia Development Alliance (interview)

Although many national, regional and international non-governmental organisations are actively involved in implementing and monitoring the 2030 Agenda, the current review process – which takes place during the annual regional and global High Level Political Forum – offers very limited opportunities for civil society participation. During the global High Level Political Forum (which usually takes place in New York), each government is only given 30 minutes to present its Voluntary National Review, leaving less than 10 minutes for questions and answers with member states, and if time allows, civil society.³⁶ Despite calls from civil society for their reports to be formally recognised and published on the High Level Political Forum Platform, even these limited opportunities for civil society verbal interventions are often cut short or relegated to after the meeting has concluded.

Currently, much of the UN's focus is on encouraging governments to hold consultations with civil society at country level, so that civil society can contribute to official government reports. However this process can lead to disagreements, such as in 2018 when Swiss civil society groups claimed their input regarding the impact of Switzerland's financial system on global economic inequality did not make it into the final version of the report.³⁷ The overall focus on self-reporting through Voluntary National Reviews has turned the High Level Political Forum process into what has been described as a "beauty pageant", where "sensitive issues are not allowed to be deliberated or discussed."³⁸

As the UN Special Rapporteur on extreme poverty and human rights has observed: “(The SDGs) have been especially valuable in contexts in which they provide the only available entry point for discussions of contentious issues.”³⁹ However, the Special Rapporteur also expressed concerns about the trajectory of the SDG process, five years after it started: “Instead of promoting empowerment, funding, partnerships and accountability, too much of the energy surrounding the SDG process has gone into generating portals, dashboards, stakeholder engagement plans, bland reports and colourful posters. Official assessments are rarely critical or focused, and they often hide behind jargon.”⁴⁰ UN reports on the 2030 Agenda have also attracted criticism, for example, the Women’s Major Group⁴¹ observed that the 2019 Global Sustainable Development Report, “suffers from the same technocratic thinking that ignores power and systemic barriers in favour of actions that leave power structures unchallenged.”⁴²

Recommendations

i. Bridge the digital divide

It is vital that as disruptions continue, all efforts are made to ensure meaningful participation and to address the inequities that disproportionately affect global south governments and civil society, including the digital divide – noting that this is gendered and disproportionately affects women from marginalised and excluded groups and communities, language barriers and time zones.⁴³

- a). Governments and multilateral bodies should consult civil society regarding proposed meeting formats, ensuring that any temporary measures do not disproportionately affect civil society and governments from the global south. The use of inclusive virtual meetings should only apply to a limited range of events and exclude key negotiations and decision-making processes.
- b). Once in-person meetings resume, one option may be to consider blended formats. The virtual format could work alongside a physical meeting in the future, this could provide a way to reach out to a wider range of participants possibly in advance of or alongside a physical meeting in New York.⁴⁴
- c). Government and multilateral agencies hosting meetings should ensure that where COVID-19 restrictions mean some meetings must continue online, these meetings should maintain the same or higher accessibility standards as in-person meetings, including where appropriate:
 - Event details give civil society clear notice of meetings and information about how to participate.
 - Meetings provide closed captioning and/or sign language interpretation.
 - Meetings are interpreted into relevant working languages.
 - Meeting times accommodate time zone barriers, particularly for participants in the Americas, Asia and Pacific regions.
 - Protect privacy and data of participants, noting that due to the risk of reprisals the right to participate anonymously should be protected where appropriate.

ii. Ensure travel restrictions and costs do not exclude civil society

- a). States and multilateral agencies hosting meetings should open registration as early as possible so that participants from remote areas have time to make travel arrangements, recognising that last-minute travel arrangements may become prohibitively expensive for some participants due to restricted travel during the COVID-19 pandemic, and that prevailing economic inequalities mean that women and young people stand to be most affected.
- b). Countries hosting UN meetings and other multilateral conferences, especially the US and Switzerland, should ensure that all relevant officials are aware of the host country’s obligations to issue visas to participants attending UN meetings.⁴⁵

iii. Ensure meaningful participation for women and young people from the global south

Civil society's democratic right to participate, and its many vital contributions to supporting multilateral processes, should be recognised through supporting and facilitating consistent, formal and independent participation in thematic and national review processes of UN conventions and agreements. Upholding the rights of young people and women – including those from the poorest and most marginalised communities facing intersecting forms of discrimination based on race, sexual orientation, religion, geographic location etc – to participate meaningfully in such processes, as well as those most affected by the economic, social and environmental challenges facing the world today, is also critical. Their perspectives and participation are critical to shaping and delivering an inclusive, gender-responsive, human rights-based, forward-looking and youth-driven multilateral/post-COVID world.

- a). Member states should consider increasing the representation of civil society on the governing bodies and boards of relevant multilateral bodies, and particularly representation of people with lived experiences, including women and young people from the global south.⁴⁶ For example, UNDP, UN Population Fund (UNFPA) and UN Women could all make their governance structures more relevant and representative by including seats for members of civil society, including women's rights organisations and feminist networks from the global south. The model for this participation can be taken from the existing governance structures of other multilateral agencies including UNAIDS, the Global Fund and International Labour Organization.⁴⁷
- b). UN processes, including the review processes of the SDG Voluntary National Reviews and national reports presented at the UNFCCC Conference of Parties, should provide mechanisms for independent civil society review that is not mediated via member states under review, including the following recommendations:
 - Civil society reports should be published on the UN Sustainable Development Knowledge Platform, the official UN website where member state Voluntary National Review reports are hosted.⁴⁸
 - Civil society, including women's rights organisations and feminist networks, should be given adequate time to pose questions to member states as part of the Voluntary National Review process at the global High Level Political Forum and regional fora on sustainable development.
 - Member states should ensure that opportunities to participate in Voluntary National Review processes are open to all and should take particular care to meaningfully include women and young people.⁴⁹

iv. Reform the UN's NGO Committee

- a). The UN's NGO Committee should be reformed to restrict member states from unilaterally using their position on the Committee to defer NGO applications for UN accreditation indefinitely.
- b). To reduce delays, deferred NGOs should be given the opportunity to respond to questions immediately, rather than having to wait until the next review cycle. NGOs that have been deferred over several meetings should be referred to the wider ECOSOC committee for a majority vote.
- c). All civil society organisations applying for UN accreditation should indicate whether they adhere to the Universal Declaration of Human Rights.

v. Appoint a Special Envoy for civil society

The UN Secretary General should consider appointing a Special Envoy for civil society, tasked with ensuring civil society contributions are recognised with meaningful and consistent participation across the UN system. The Special Envoy's mandate to include: collaborate closely with civil society, including international and regional networks and other civil society coordinating mechanisms; engage in conversations with member states; support the UN's

efforts to further advance the conditions that allow civil society to meaningfully participate; ensure that a civil society perspective is secured in contexts and intergovernmental forums with restricted access for civil society; and collaborate closely with relevant partners in the UN Secretariat and UN mechanisms, departments and agencies.

Ground Level Peoples Forum organised by civil society on the weekend during UN High Level Political Forum

Photo credit: ActionAid



Chapter 2: Uphold international norms and protect rights from rising fundamentalism

2.1 Rising fundamentalism and closing civic space

Civil society is facing significant limitations on the rights to information and freedoms of peaceful assembly, association and expression. According to the CIVICUS Monitor, the COVID-19 pandemic “has had a dire impact on civic freedoms globally.” As of the end of 2020, 87% of the world’s population lived in countries where the CIVICUS Monitor rates civic space as ‘closed’, ‘repressed’ or ‘obstructed’ – an increase of over 4% from 2019⁵⁰ – with governments using the pandemic, “as an opportunity to introduce or implement additional restrictions on civic freedoms.”⁵¹

The Association for Women’s Rights in Development (AWID) has described the resurgence of fundamentalism, including religious and corporate fundamentalism, as, “possibly the greatest threat and setback to feminist agendas and activism.”⁵² Anti-gender movements include three specific groups of conservative actors – governmental, religious and civil society – that have formed different national and transnational alliances with shared strategies and objectives. These include propagation of anti-gender discourse, as well as using direct citizen action (such as petitions, protests and prayers) and governmental mechanisms to influence or change education systems, legislation and public opinion. Specific targets are LGBTIQ+ rights, reproductive rights, sexuality and gender-sensitive education in schools, and the very notion of ‘gender’ as a social, cultural and political construct. Women human rights defenders working in these areas defending sexual and reproductive rights have also increasingly been subject to hostilities by anti-gender movements.⁵³

Feminist and LGBTIQ+ activists have reported “a climate of intimidation” that has affected their participation in regional and multilateral spaces.⁵⁴ While these attacks are not new, there is mounting evidence to suggest that fundamentalist groups are becoming increasingly coordinated and emboldened, while also often enjoying close proximity to state, religious and corporate institutional power.⁵⁵ It has also left many feminist activists exhausted and in constant crisis management mode.⁵⁶ However, it should also be noted that rising fundamentalisms are also, at least in part as a backlash to the success civil society has won in past decades, with the aim of rolling back the gains civil society has achieved.

Notably, Donald Trump’s US administration invited conservative groups, including the pro-life Centre for Family and Human Rights (C-FAM), to join its delegations to UN meetings⁵⁷ and pushed back against many international norms on women’s rights and gender equality. For example, at the height of the COVID-19 pandemic, the Trump administration threatened to freeze funding for the World Health Organization, while simultaneously demanding “the UN remove reference to ‘sexual and reproductive health’ from the Global Humanitarian Response Plan’s guidance,” before withdrawing from the World Health Organization entirely in September 2020.^{58,59}

Even during COVID-19, when women make up most carers at the forefront of the response,⁶⁰ global decision-making spaces are primarily occupied by men, contributing to a cycle of under-valuing the vital work of carers and the importance of gender-responsive public services for ensuring decent work and redistributing women’s unequal share of unpaid care work.⁶¹

2.2 Case study: Anti-women's rights and gender equality backlash at the United Nations

2020 marked the 25th anniversary of the landmark Beijing Declaration and Platform for Action, which was adopted at the Fourth World Conference on Women in September 1995 after years of feminist organising around the world, including significant new intersectional feminist movements led by young people. Major events planned to mark the anniversary were postponed to 2021. Yet, more than 25 years on, the situation for women's rights and gender equality at the UN is in some ways more fraught than it was in 1990. Threats to women's rights are particularly felt at the annual meetings of the UN Commission on the Status of Women – the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. This is due in part to a growing backlash against women's rights and gender equality led by right-wing governments supported by fundamentalist groups. As seen, for example, in the rollbacks on women's sexual and reproductive health rights in some countries, this is placing increasing pressure on international negotiators to water down or delete language on women's rights and gender equality that was agreed on decades ago.⁶²

There have also been attempts to undermine UN agencies, treaty monitoring bodies and special procedures. Anti-gender⁶³ actors' discourses and strategies have led to deadlock in negotiations and had a substantive impact on the human rights framework and the progressive interpretation of human rights standards, especially those relating to gender equality and sexuality.⁶⁴

“So basically, we are seeing a shift. If before it was basically anti-gender discourse, now it is really adopting and twisting, or instrumentalising, the discourse of rights to advance essentially anti-gender, and especially anti-women's rights and anti-LGBTIQ+ rights agendas. For example, speaking about the rights of the family, and of course, when they speak about the rights of the family, what they mean is the patriarchal and hetero-normative family.”

Inna Michaeli, Director of Programmes, AWID (Interview)

For example, in 2019, the co-chair of the UN Commission on the Status of Women outcome document negotiations, Ambassador Koki Muli Grignon of Kenya, began to receive thousands of text messages in the middle of tense negotiations. As reported by CIVICUS, “messages, apparently generated from an anti-gender group's website, called on her to stand against abortion and same-sex families, and told her she was being watched.”⁶⁵ *Citizen Go!*, an ultra-conservative advocacy group founded in Spain, claimed responsibility and apologised for making Ambassador Muli Grignon the subject of the petition.⁶⁶ However, the group has since created another petition targeting Muli and calling for her to be recalled from the Permanent Mission of Kenya to the UN in New York, allegedly due to her position on reproductive rights.⁶⁷ *Citizen Go!* has also campaigned against a Reproductive Health Bill in Kenya.⁶⁸

Recommendations

i. Implement existing treaties, resolutions and recommendations

- a). Governments should respect, protect and fulfill all international human rights instruments and principles that all rights are universal, indivisible, interdependent and interrelated.
- b). The UN should uphold the international human rights obligations of states to eliminate discrimination against women in political, social, economic and cultural fields, including their sexual and reproductive rights and their right to equality and non-discrimination in all fields, and resist all attempts to derogate from them, including by conservative or religious lobbies.⁶⁹

- c). UN and member states should make every effort to block any position in international human rights spaces that endorses patriarchal and discriminatory norms. Women's human rights are fundamental rights that cannot be subordinated to cultural, religious or political considerations.⁷⁰
- d). Ensure that women human rights defenders and grassroots organisations have effective protection and proper access to UN forums in the context of shrinking space for civil society.⁷¹

ii. Protect civil society and human rights defenders from reprisals and closing civic space

- a). All governments should ensure that they protect and promote civil and political rights and condemn governments that engage in reprisals against civil society for engaging with multilateral governance mechanisms, noting that woman human rights defenders face additional gendered risks and impacts.
- b). Throughout activities and processes, provide for the effective participation of civil society, in conformity with international standards of non-discrimination, the freedoms of expression, association and peaceful assembly, and the right to participate in public affairs.⁷²

UN General Assembly Climate strike, 2019



Photo credit: ActionAid

Chapter 3: Corporate capture of global governance and human rights systems

Governments and multilateral institutions have become increasingly limited in their capacity to solve global crises as transnational corporations have grown in size and influence – outstripping the ability, and in many cases willingness, of governments to hold them accountable and act in the interests of the people who elected them.⁷³ The UN and governments increasingly invite corporations to participate as stakeholders in UN processes, discounting the very important distinction between the private sector, civil society, social movements, governments and the UN. Although many corporates state that they are committed to promoting sustainability and respecting human rights (and make the ‘business case’ for doing so), unlike other actors, their primary duty is to serve the interests of their owners, creditors and shareholders.⁷⁴

As the Transnational Institute states, corporations milk the reputational benefits of multistakeholder initiatives to provide a cover for their operations. This tendency is made worse by the fact that corporations that join multistakeholder initiatives are sometimes the worst actors. Having been rightly targeted for their abuses, they turn to multistakeholder initiatives to improve their reputation – and yet do not have a fundamental commitment to make root-and-branch changes to their operations. At a very fundamental level, the involvement of corporations as joint decision-makers in arenas from which they will profit makes them guilty of conflicts of interest and reinforces a process of “corporate capture” of states and democracy. It encourages states towards positions that favour corporate interests and allows them to evade their obligation to protect affected communities.⁷⁵

Inna Michaeli, Director of Programmes, AWID, interview 1 Oct. 2020

“At the UN Commission on the Status of Women I realised there are two parallel universes. There is the feminist universe of feminist movements, women’s rights organisations and LGBTQI organisations that work on the ground who have a good understanding of what’s going on...and then there is a parallel universe of high level events in UN rooms, or in embassies, or in fancy hotel rooms...where it’s completely textbook for the kind of neoliberal, really basic, capitalist discourse that if you go to these meetings, and you listen to what they are saying on all kinds of women’s economic empowerment projects (where) there’s a very, very small percentage of women who would benefit from it. But really, (the neoliberal discourse) destroys the lives of millions of women around the world. And I think it is important to say, neo-liberalism looks very shiny and progressive, but it is ugly, and it is patriarchal. And it is exploitative, and violent.”

3.1 Parallel corporate spaces

As transnational corporations continue to grow, they are also increasingly creating their own parallel processes alongside multilateral systems of governance by governments. For example, the World Economic Forum is increasingly placing itself on a level footing with the United Nations, including through publishing its own 600-page report in 2010 titled: *Everybody’s Business: Strengthening International Cooperation in a More Interdependent World*. The framing of the World Economic Forum as a forum for multilateral governance is problematic, not least because it describes its members as, “the world’s 1,000 leading companies.”⁷⁶ Although some notable activists are also invited, the organisation’s annual meeting in Davos, Switzerland, is primarily a gathering of the world’s billionaires and other elites, without any of the accountability structures, however flawed, of other multilateral mechanisms.⁷⁷

More recently in 2019, the World Economic Forum signed a Strategic Partnership Framework Memorandum of Understanding with the UN secretariat.⁷⁸ The Framework is problematic on several counts. Firstly, it circumvents the intergovernmental review process; secondly, the agreement elevates multi-stakeholderism as the solution to the problems with the current multilateral system, as opposed to a robust public sector; and thirdly the partnership is not governed by any formal democratic system.⁷⁹ This is a form of corporate capture that undermines the mandate of the UN as well as its independence, impartiality and effectiveness, particularly in relation to the protection and promotion of human rights.⁸⁰

Since 2017, the Bill and Melinda Gates Foundation has hosted its own Goalkeepers multi-day event in parallel to the UN General Assembly, which is usually held in New York in September. The Goalkeepers event features civil society speakers. However, these are selected by the Foundation, and the event is exclusive and generally by invitation only.⁸¹

3.2 Co-opting progressive language and causes

Civil society engaging in multilateral spaces, including feminists, are increasingly finding that their progressive agenda is being co-opted and depoliticised by governments, international financial institutions and corporations. For example, ‘women’s economic empowerment’ has

become a buzzword at the multilateral level.⁸² Corporations have co-opted the meaning of the term, often implying that offering individual women opportunities to integrate into existing market structures will empower them economically, whilst ignoring the bigger, collective structural barriers women face to their economic rights as a direct result of an overemphasis on market-based systems. This ignores the meaning of the term, as historically used by feminists, obscures the responsibilities of corporations for gender inequality and systematic violations of women’s rights, and instrumentalises the fulfilment of women’s economic rights in the interests of economic growth.

Women are particularly vulnerable to corporate abuse, not only through the gender pay gap, but also because an unequal share of unpaid care work at home means women are more likely to be in vulnerable or precarious employment. For example, millions of women working in the global supply chains of transnational corporations are without access to social protections,⁸³ including women working in global garment supply chains who lost their jobs during the pandemic.⁸⁴ Women are also frequently subject to gender-based violence, both as workers and as human rights defenders seeking to protect their rights and natural environments.⁸⁵

Patriarchal power dynamics are just as marked at the UN, and lead to the depoliticisation of the ‘women’s economic empowerment’ agenda. This has led to policies and programmes that, speak of rights and empowerment but limit their aims to, for example, enabling women to compete with men in the market, with little change to the distribution of unpaid care, let alone to leadership systems or patterns of gender-based violence.⁸⁶ For example, Unilever works with UN Women to advance efforts on gender equality (SDG 5), and with UNICEF in areas such as clean water and sanitation (SDG 6).⁸⁷ However, Unilever’s business practice raises questions about its full commitment to women’s empowerment.

Amid heightened scrutiny over racism following the death of George Floyd, the Indian subsidiary of Unilever, Hindustan Unilever Ltd, announced that it is renaming the popular skin-lightening brand “Fair & Lovely” as “Glow and Lovely”, a move met with backlash on social media, where critics characterised it as merely a cosmetic change for a product that promotes harmful beauty standards. “We are making our skin care portfolio more inclusive and want to lead the celebration of a more diverse portrayal of beauty,” said Hindustan Unilever Ltd Chairman and Managing Director Sanjiv Mehta in a statement.⁸⁸

The decision by Unilever to simply change the name rather than withdraw the product from market, as competitor Johnson & Johnson did with their product lines Neutrogena Fine Fairness and Clear Fairness by Clean & Clear,⁸⁹ was disappointing and suggests that profits were considered more important than addressing harmful gender norms. Recently, Unilever committed to removing the word 'normal' from their products,⁹⁰ with the aim of challenging narrow beauty ideals. It is our hope that this gesture is supported by structural changes and cultural leadership that truly help to create a more equal society, and we look forward to seeing how this positive beauty strategy develops.

3.3 Elite and corporate influences on multilateral negotiations

In 2003, the World Health Organization adopted the Framework Convention on Tobacco Control, acknowledging that because, "there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests", tobacco companies should be prevented from influencing negotiations about health policies and their implementation.⁹¹ However, similar treaties do not currently exist for other industries, many of which continue to influence policy negotiations at the national, regional and global levels, despite clear conflicts of interest.

Other multilateral spaces captured by corporate influences include World Health Assembly negotiations on the Marketing of Breast-milk Substitutes. Civil society has long worked alongside global south governments to advocate for implementation of the World Health Organization-approved International Code of Marketing of Breast-milk Substitutes, due to the risk that aggressive marketing of breast-milk substitute products poses for infant health and nutrition.⁹² However, at World Health Assembly meetings in 2018, the US delegation pushed to remove references to the International Code of Marketing of Breast-milk Substitutes from a resolution that was put forward by Sri Lanka, Sierra Leone, Cambodia and Nepal. Ecuador had initially led the drafting of the resolution, but allegedly withdrew after the US threatened trade retaliation, according to reporting by News Deeply.⁹³ A broad coalition of civil society groups tried to push back against the changes, but were unsuccessful. They say that private companies had also expressed opposition to the resolution, as well as the Grocery Manufacturers of America.⁹⁴

The International Maritime Organization (IMO) is another multilateral organisation where corporate influences have contributed to less democratic outcomes. According to Transparency International, a small handful of states "known as tax havens for ships" contribute a substantial portion of the IMO's budget.⁹⁵ Journalists and non-governmental organisations with consultative status have reported restrictions on their abilities to report on the IMO, despite the importance of IMO negotiations to the effective regulation of greenhouse gas emissions from maritime trade. Non-governmental organisations say, "they can face expulsion if they criticise the agency or report on country views."⁹⁶

Transnational corporations also continue to influence negotiations on a *UN Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises*. For decades, affected communities around the globe have been resisting the modus operandi of transnational corporations in their territories and workplaces, documenting systemic human rights violations and the track record of corporate impunity with their lives and deaths. An 'architecture of impunity', which includes sizeable gaps in legal frameworks, implementation and political will at global and national levels, makes it extremely challenging to hold multinational corporations to account. Corporate lobby groups are unanimously opposing the attempt to elaborate and pass a legally binding instrument. The US government has been vocal in its rejection of such an instrument. Meanwhile, the EU has adopted the strategy of actively undermining it from within by aligning its positions with those of corporates via the International Chamber of Commerce and the International Organisation of Employers.⁹⁷

Case study: Fossil fuel companies and UN climate negotiations

In 2015 world leaders signed two historic agreements – the Paris Agreement⁹⁸ and the 2030 Agenda for Sustainable Development – to push for a more just and sustainable world by 2030. These inter-linked agendas promised to transform the world, to end poverty, reduce inequality, ensure peace and combat climate change. So far, delivery has failed to live up to this bold ambition. The existing global development pathway is far from sustainable, and climate change and economic inequality pose monumental challenges to progress on sustainable development. The human rights framework also requires that global efforts to mitigate and adapt to climate change should be guided by relevant human rights norms and principles, including the rights to participation and information, transparency, accountability, equity, access to justice and non-discrimination. However, at least 331 human rights defenders were killed in 2020. Against a background of mega-projects, large scale agribusiness and development projects, human rights defenders are being targeted for highlighting the negative impacts these projects have on their communities and the environment.

After organising students to participate in the 2019 climate strikes, Ayisha Siddiqa was disappointed when she attended the UN Youth Climate Summit. “Everyone was supposed to be at the UN where they would start putting binding agreements on nations and carbon budgets,” she says. Instead, Ayisha found that while young people were sharing their own experiences of the climate crisis at the UN, fossil fuel companies were in adjacent rooms “downplaying the crisis.”

“They are communicating with each other behind backdoors while we the activists who know the issues are being kicked out and revoked. It was a shock to us, but we were also not very surprised,” she says. “So, we developed a strategy, we are not going to just gather in massive numbers and have that be the end, we want to lobby and to get seats at the table for the young people and to have the fossil fuel companies removed.”
Ayisha Siddiqa, Youth Climate Activist and Co-founder Polluters Out, interview

Although public mobilisation and the growing climate crisis have brought increased public scrutiny to UN climate meetings, negotiation outcomes continue to lag behind the need for urgent action – as called for by global south countries at the forefront of the crisis. One of the reasons for this is that state parties to the UN Framework Convention on Climate Change (UNFCCC) have not created a conflict of interest policy that could potentially regulate the influence of delegates with conflicts of interest on negotiations. Fossil fuel companies continue to openly participate in COP meetings, both as delegates and as financial sponsors of the most recent meetings hosted by Chile, Spain and Poland.

Although women and young people increasingly play a vital role in responding to climate change, they have been relatively absent in policies and plans formulated by many countries. Genuine participation of women and young people in responding to climate change is lacking, as programmes are still designed *for* them, rather than engaging *with* them as partners.

Youth climate activists have launched a campaign called Polluters Out,⁹⁹ calling for state parties to the UNFCCC and hosts of COP meetings to limit fossil fuel companies’ participation. In December 2019, when youth delegates silently protested the participation of a Shell executive who previously claimed that Shell could “take some credit” for the inclusion of carbon markets in the Paris Agreement,¹⁰⁰ security guards threatened to revoke the passes of the youth delegates and a journalist.¹⁰¹ Representatives of some of the biggest historic emitters of carbon, including BP (British Petroleum), Chevron and Shell,¹⁰² participate in UN climate negotiations through the International Emissions Trading Association, an organisation with the stated mission of promoting carbon markets as a climate change solution – including by influencing UN negotiations.¹⁰³ These lobbying efforts have helped

contribute to the “increasingly voluntary nature of the international climate framework”, which may explain why climate litigation has increased in other jurisdictions.¹⁰⁴ In 2019’s COP25, the US government delegation attempted to expand a loophole that would have potentially expanded protections for governments and companies from being held liable for climate change and ‘loss and damage’ compensation to countries on the frontline of the crisis.¹⁰⁵

Ellen Matupi, President of the Coalition of Women Farmers in Malawi, called for sustainable and resilient agroecological practices at COP25, advocating for women farmers to be more involved with decision-making processes. “The common assumption that agroecological methods are less productive than conventional systems are incorrect,” she says. “I have experienced this. In 2008, I planted my maize. I had no money to buy fertiliser. So, my crop failed. There were no natural nutrients in the soil. When my friend came to visit, she said ‘Ellen why are you wasting time looking for fertilisers when you are keeping pigs, cows and chickens?’ She told me how to make this manure. I did it and used it and harvested. Today, I am still using it.”

Fossil fuel companies are not the only entities creating the climate crisis that are given opportunities to participate in UN climate negotiations. Large multinational agriculture companies often take part in negotiations related to agriculture at COP meetings. By comparison, smallholder farmers who have contributed the least to climate change but stand to bear the brunt of the climate crisis, particularly woman farmers from the global south, are much less likely to be heard. To counterbalance this, ActionAid has helped support farmers such as Ellen Matupi, the President of the Coalition of Women Farmers in Malawi, to share perspectives at the COP on how to make agricultural systems more sustainable and resilient to climate change (see box).¹⁰⁶

Recommendations

i. Introduce a regulatory framework for UN-corporate interactions

- a). The UN should develop a regulatory framework for UN-corporate interactions with minimum standards, including the shape and composition of UN initiatives involving the private sector. These standards should prevent undue corporate influence on UN policies and prevent companies that violate internationally agreed environmental, social and human rights standards from participation in UN partnerships, events and from eligibility for UN procurement.
- b). Monitoring and impact assessments should be undertaken regularly by an impartial UN office, not by those initiatives established to promote partnerships, and the results should be reported to member states and made publicly available. One essential element of such a framework should be a mandatory conflict of interest and public disclosure policy for all interactions with non-state actors, with additional requirements specific to the respective UN funds, programmes and specialised agencies. Furthermore, such a regulatory framework should distinguish clearly between corporate actors and civil society, and refrain from treating fundamentally different actors as equals.¹⁰⁷
- c). Corporations should not be involved with UN bodies or the Secretariat because of the conflict of interests with UN goals and objectives. Their involvement undermines the mandate of the UN as well as the independence, impartiality and effectiveness of this multilateral body, particularly in relation to the protection and promotion of human rights – weakening and compromising its ability to hold corporates to account on rights violations.¹⁰⁸ The preamble of the Charter of the UN starts with the words “We the peoples of the United Nations”. The UN should live up to its founding mission of being a forum for people’s representation and the protector of their universal rights and interests.

- d). Challenge corporate capture of multilateral spaces especially go through trade and investment deals that protect investors' rights over human rights undermining state capacity and primary functions to regulate the private sector, formulate and finance social policy - including social protection, public services, labour protection, environmental protection, among others.
- e). Provision of predictable and reliable funding to the UN system at a level sufficient to enable it to fulfill its mandates. Governments should reverse the trend towards voluntary, non-core and earmarked contributions and increasing reliance on philanthropic funding.¹⁰⁹ This trend has seen many UN agencies and programmes actively promoting partnerships with the private sector, in the hope of additional financial resources for their work.
- f) Multilateral climate change negotiations should be free from the influence of the profit-orientated multinational corporate sector. Corporate influence in multilateral climate change negotiations should be curbed through advancing a conflict-of-interest policy to prevent corporations that profit from fossil fuels and the climate crisis from influencing international and national climate policy forums and inserting themselves into the negotiations.¹¹⁰

ii Hold transnational corporations to account on rights violations

- a). Put in place strict regulations on corporate lobbying at the multilateral level. This includes more stringent disclosure and reporting laws regarding corporate lobbying, political donations and access to policymakers and policy processes, at the national and international level, and more sweeping reforms regarding corporate financial transparency.¹¹¹
- b). UN member states should accelerate efforts and support the ongoing negotiations to develop, ratify and implement a comprehensive UN legally binding instrument to regulate transnational corporations, taking into consideration women's rights and gender equality. The instrument offers a historic opportunity for governments to demonstrate that they put human rights over the interests of big business.

Ground Level Peoples Forum organised by civil society on the weekend during UN High Level Political Forum



Photo credit: ActionAid

Chapter 4: Restore public finances to build forward better

4.1 Financing for development leaves global south behind

In the 2030 Agenda, governments declared that public finance would play a vital role in providing essential services and public goods and in catalysing other sources of finance in achieving the SDGs. Yet in the years since the SDGs were adopted, undemocratic decision-making in multilateral spaces often dominated by countries from the global North, has failed to address global south governments' and civil society's concerns about growing gaps in public financing policies. This has resulted in the weakening of the public sector and its ability to provide goods and services due to the embrace of neoliberalism, corporate lobbying, tax avoidance and tax evasion.

Privatisation of public services is increasing due to the introduction – or imposition – of austerity measures in both developed and global south countries from about 2010 onwards, as a response to shockwaves that continue to affect the global economy. As governments seek to cut public spending, more than 50 countries are considering, or currently engaged in, the privatisation of public assets and services.¹¹² Public-private partnerships¹¹³ featured prominently in the Agenda, which came out of the 2015 UN Conference on Financing for Development, and they are specifically promoted as a “means of implementation” of the 2030 Agenda for Sustainable Development.¹¹⁴

The growing shift towards public-private partnerships and privatisation of public services is fuelled by many myths: that public-funded and delivered services are inefficient, wasteful, poor quality and harm economic growth by stifling potential market competition. The truth is that publicly funded, owned and delivered services, ensure all people can fulfil their essential needs – not based on ability to pay, but because these are their rights. Services that strengthen human rights and allow people to live free from fear. Services which promote equality [including gender equality and the fulfilment of women's rights] and build a stronger safety net for us all – and build more resilient societies, better able to respond in moments of crisis. In short, these services put people over profit.¹¹⁵

Public-private partnerships are unlikely to attract financing for many of the public goods and services that are necessary to advance the enjoyment of human rights. Private sector participation in public-private partnerships tends to be concentrated in sectors and markets that are most profitable, such as energy and telecommunications,¹¹⁶ and not those that benefit the poorest and most marginalised people.¹¹⁷ These programmes have exacerbated social and economic inequality, increased the price and/or decreased the accessibility of essential services, and fostered corruption. The human rights implications of these policies include violations of economic and social rights ranging from equitable access to healthcare and education and the right to decent work, to the spectrum of human rights abuses associated with land-grabbing and forced eviction.¹¹⁸

Corporate tax avoidance and evasion close off essential channels for reducing inequality and deprive countries of revenue they could use to progress towards greater equality. This type of corporate behaviour also affects inequality between countries, disproportionately draining global south of potential revenue and perpetuating the unequal status quo in global economic power and governance. For example, when countries such as Switzerland, the UK or the USA preside over financial secrecy jurisdictions (tax havens) where corporations can easily move their money to avoid or minimise taxable income in the countries where they operate, the effects are felt around the world.

The tax abuses enabled by such jurisdictions and policy regimes represent a huge drain on global south, constraining their spending power, policy space, economic space, and their ability to reduce inequality. By draining poorer countries of resources, it constrains the economic and political power of these countries, hindering their ability to push for meaningful changes in the international tax system or global economic governance. So, for example, global south demands for an intergovernmental tax body have been resisted by rich countries, who insist that global tax rules should continue to be set within the Organisation for Economic Cooperation and Development (OECD) – where they have effective control.¹¹⁹ Thus, undemocratic decision-making in multilateral spaces has failed to address global south governments’ and civil society’s concerns about growing gaps in public financing policies.

4.2 Depleted public finances lead to UN’s reliance on private sector financing

Prior to the COVID-19 crisis, we were faced with a major funding crisis for the implementation of the SDGs. The pandemic made clear that fundamental reforms of financial regulations and the international financial architecture need to be made. Low-income countries, including many that have felt compelled to implement austerity policies linked to IMF loan conditionalities and policy advice in recent years, have been the most severely affected. Their underfunded health systems have lacked capacity to cope with the current health emergency. Limited fiscal space also means they are unable to finance social protection measures for those whose livelihoods have been destroyed, notably informal sector workers, or wider economic stimulus to counter the effects of the economic crisis created by the pandemic.

The huge hole that tax avoidance and evasion has left in public budgets has contributed to the need for governments to turn to further debt spending to fund the crisis response.¹²⁰ The entire UN system also faces a precarious financial situation. Over the years, the increase of assessed contributions has stagnated. In his first report on repositioning the UN system, released in June 2017, UN Secretary-General António Guterres states that, “only about 15% of the system is core-funded”, while “at the same time, more than 90% of all non-core flows are being directed to single donor-single entity projects”.¹²¹ Rather than seeking to alleviate the holes left by gaps in public financing through debt cancellation as well as more equitable, redistributive, gender-responsive macroeconomic policies and strengthened donor commitments, multilateral institutions are instead increasingly turning to private sector financing, such as the public-private partnership model, feeding the same cycle that contributed to gaps in public funding for public services in the first place.¹²² Increasingly, multi-stakeholderism and public-private partnerships have been making their way into global governance, in part due to years of lobbying from the World Economic Forum, including its Executive Chairman and Founder Klaus Schwab.¹²³

These partnerships enable corporate capture of the UN by granting business actors influence over the agenda of the UN and the definition of solutions for today’s global challenges. They also threaten to increase corporate influence and to widen the power imbalance between business actors and civil society organisations in global governance.¹²⁴

For example, the 2030 Agenda includes references to multi-stakeholder and public private partnerships¹²⁵ between governments, the private sector and civil society, including under SDG 17: ‘Partnership for the Goals’.¹²⁶ Framing and encouraging corporate and civil society participation in the SDG processes through a multi-stakeholder lens undermines civil society’s contributions in two ways. Firstly, it allows corporations to co-opt opportunities and spaces that progressive civil society organisations have gained through their purpose-driven existence, often working on issues of sustainable development long before they became priorities at the multilateral level, let alone the ‘concerns’ of multinationals. Secondly, it ties civil society’s participation in the 2030 Agenda to collaboration with the private sector, thus

potentially pushing more ambitious and progressive civil society initiatives out of the picture, including initiatives that independently hold the private sector accountable.¹²⁷

However, the promotion of public-private partnerships to fund the 2030 Agenda as an effective means for financing development is not backed by clear evidence. As Eurodad and other civil society experts found in a review of 10 public-private partnerships in 10 countries, there can be many unexpected costs.¹²⁸ The study found that all the projects came with a high cost for the public purse, and that nine undermined democratic accountability, including by failing to consult affected communities and lacking transparency. Half the projects also contributed to increasing the divide between rich and poor by negatively affecting poor people, while three came with serious social and environmental impacts.¹²⁹ The Women's Major Group, a coalition of organisations that advocate on the UN Sustainable Development Agenda, say that their warnings about public-private partnerships since the beginning of the 2030 Agenda have remained unheeded, warning that the economic crisis caused by COVID-19 has the potential to further intensify corporate power.¹³⁰

“Civil society organisations are calling for the UN to be the global tax body. It should sit there because everyone is a member of the UN. Ideally speaking, everyone has the same negotiating power at the UN. That is the ideal – whether in practice that is true is another debate itself. But yes, it is the most neutral place to be having this debate, global south do feel they can speak with much more conviction at the UN level than they can at the OECD level (including on emerging issues such as the digital tax debate, where there is a lot of potential income for global south). The UN is more representative, historically speaking, it emerged from a more representative foundation than the OECD, (so) then, let us bank on that.”

Joy Waruguru Ndubai, Institute for Austrian and International Tax Law (interview)

Case study: Global tax cooperation and generation equality

In 2015, at the Addis Ababa Financing for Development conference, global south governments representing more than 130 of the UN's 193 member states called for financing for development decisions on issues such as corporate taxation and debt to fall under the more representative and democratic umbrella of the United Nations, while global North countries pushed to keep decision-making in less democratic spaces such as the G20, IMF, the Paris Club and the OECD.¹³¹

Currently, decisions related to global tax policies are made by the OECD, even though the OECD's 36 high-income member states only represent one-fifth of the world's countries.¹³² OECD tax policies often benefit its members, which are primarily from the global North or are countries with wealthy, large economies. Under these policies, tax revenues in Asia and Africa have been falling.¹³³ Global south continue to collect the least tax revenue, and saw revenues decline further in 2018.¹³⁴ Regressive global tax policies also affect women's economic rights, since women are most often the first to suffer when public services are underfunded.¹³⁵

As global south feminist network DAWN explained: “the failure of corporations to pay taxes in the countries where they operate is a major reason for governments' lack of fiscal space to implement policies that would protect and promote women's human rights.”¹³⁶ Feminist activists and academics have pointed out that: “the elevation of the private sector not just as the engine of growth, but as the financier of even basic social programmes (public-private partnerships in health, education, water and energy supply), as a response to limited state resources for promoting social change, has gendered consequences.”¹³⁷

A UN Tax Convention would, comprehensively address tax havens, tax abuse by multinational corporations and other illicit financial flows through a universal, intergovernmental process at

the UN.¹³⁸ However, although this proposal is backed by the majority of UN member states, the Addis Ababa Financing for Development conference ended without a commitment to create a UN Tax Convention – in part due to strong opposition from the US under the Obama administration.¹³⁹ A commitment to revisit the proposal in 2020 also did not transpire.¹⁴⁰

Even as COVID-19 has contributed to growing inequality, global tax cooperation issues have become even more inequitable with new digital trade rules being introduced at the World Trade Organization in 2020.¹⁴¹ These new rules could have significant implications for global south governments' capacity to collect taxes from digital transactions¹⁴² with tech companies, including the so-called Big 5 – Google, Apple, Facebook, Microsoft and Amazon – all of which are pressing to not have to share information on their transactions and revenues with governments of the country where the transactions take place.¹⁴³ Yet, despite global south governments' concerns about the role of the OECD in global tax cooperation, in July 2020 UN Women announced that the OECD will be a member of the Generation Equality Action Coalition on Economic Justice and Rights.¹⁴⁴ The Action Coalition also includes members with a long history of campaigning for women's economic empowerment at the macroeconomic level, including The African Women's Development and Communications Network (FEMNET) and the Women's Working Group on Financing for Development. However, these civil society groups have significantly less resources to participate in the Action Coalition in comparison to other members, including PayPal, the Bill and Melinda Gates Foundation and the UN Capital Development Fund.¹⁴⁵ By comparison, the UN Conference on Trade and Development (UNCTAD), a multilateral institution that was founded by and works closely alongside global south governments on macroeconomic issues, is not a member of the Action Coalition.

“Considering that there’s such a huge push to have a more democratic tax body in the United Nations. What is the role of the OECD in this [Action Coalition] having a conversation and leading thought and narrative around economic justice and rights? OECD is very distant and its work counter to that. The UN Capital Development Fund, who are relatively new but really pushing for private finance are also members of the Coalition. It is an interesting Coalition of people and it is one we should worry about. It is good news that FEMNET is a member of the Coalition and rallies all the African women’s rights organisations. However, the question is, what happens with the power imbalance in the Coalition? With powerful organisations such as the OECD, UN Capital Development and Bill and Melinda Gates Foundation can an organisation such as FEMNET influence the narrative and push back on the narratives of these powerful organisations are pushing in that space?”

Crystal Simeoni, Director, Nawi – Afrifem Macroeconomics Collective, interview

Recommendations

i. Representative global governance in development finance decision-making

- a). Democratising global economic governance, [and particularly international financial institutions], recognising the right of every country to be at the decision-making table, not only those with concentrated power or resources.¹⁴⁶ Protect and expand space for civil society in international finance, trade and investment spaces.
- b). An intergovernmental tax commission – with universal membership and a strong mandate – should be created at the level of the United Nations, in which all countries have an equal seat at the table to comprehensively address tax havens, tax abuse by corporations and other illicit financial flows that hinder redistribution and drain resources for provision of public services crucial to challenging inequalities, particularly gender inequality.

- c). States and international finance institutions should support freeing up and mobilisation of domestic financial resources in global south, including through, among other things, debt cancellation, issuing of Special Drawing Rights and unconditional redistribution of these to lower income countries, and controlling speculative and illicit financial flows.¹⁴⁷
- d). Reinforce multilateral institutions and mechanisms anchored on the primacy of human rights as defence against future global threats. Outcomes from multilateral bodies such as the World Trade Organization should be aligned to all human rights frameworks and reflect the wishes of most countries.

ii. End the cycle of depleted public finances

- a). Governments should mandate the organisation of an international economic reconstruction and systemic reform summit under the auspices of the UN, to move towards a new global economic architecture to facilitate recovery from COVID-19 that works for people and the planet.¹⁴⁸
- b). Expand fiscal space for countries: the IMF needs to move away from imposing conditions or offering coercive policy advice that lead to austerity; governments need to prioritise increasing tax revenues through progressive, redistributive reforms; global action is needed to tax MNCs fairly based on their economic presence in different countries, to eliminate illicit financial flows and to cancel or restructure existing debt; all governments should pursue expansionary / accommodative macroeconomic frameworks that will support the achievement of development goals, as supported by policy statements of the UN.¹⁴⁹
- c). Governments should reaffirm the centrality of public policies, public investments and public services, declaring a moratorium on funding, promoting or providing technical assessment for public-private partnerships and 'private finance first' approaches, until an independent review into their development outcomes is completed.¹⁵⁰ Resources should be directed at strengthening public systems, primarily but not exclusively related to health, education and social protection, stopping the decades-long undermining of these systems through fiscal austerity, privatisation and public-private partnerships.¹⁵¹ States must uphold their human rights obligations to ensure public, affordable and good quality services through tax justice and public funding

Conclusion

Now, more than ever, we need to democratise global governance and bolster international cooperation that builds on the collective efforts of citizens – particularly women and young people who are at the forefront of global efforts to care for and protect people and planet. To do so, we need clearer strategies to counter elite corporate and right-wing threats to multilateralism, including neoliberalism, militarism, isolationism, nationalism and authoritarianism. If governments are serious about addressing the root causes of growing interconnected global crises, they need to build multilateral institutions that are more participative and representative.

Closing civic space is likely to generate more unequal and exclusionary development policies and practices, with a significant risk of not only leaving the most vulnerable behind, but also of their dispossession and loss of fundamental rights and voice in relation to multilateral and development processes. Thus, the need for alignment with human rights obligations of states, including the 2030 Agenda for Sustainable Development pledges to ‘leave no one behind’ and to ‘reach the furthest behind first’ – which are highly likely to be violated by closures of civic space.

This should be accompanied by a renewed commitment to democratic participation in recognition that governance and public service systems that fail to put people at the centre continue to fuel crises of inequality. UN member states should take the opportunity of the 75th anniversary of the United Nations to ensure that UN continues to serve the people, through meaningful, inclusive and representative participation.

UN SDGs High Level Political Forum, 2018



Photo credit: ActionAid

ANNEX 1: Further evidence on the vital contributions of civil society to multilateralism

Many of the most important achievements of multilateralism would not exist without the sustained contributions of people's movements. Indeed, civil society has long been the driving force behind many of the ideals enshrined in multilateralism. Social movements, grassroots activists, humanitarian workers, young people and feminists have long worked actively to end poverty, inequality, patriarchy, (neo)colonialism and wars, and realise human rights. Civil society's achievements at the multilateral level include successfully pushing for the creation of binding international human right instruments on the rights of women, children, trade, investment, financing, aid, civil and political rights, as well as the fostering of vibrant movements of international solidarity.

The Intergovernmental Panel on Climate Change in its 1.5°C Special Report described civil society as, "to a great extent the only reliable motor for driving institutions to change at the pace required."¹⁵² Civil society support has helped to counter undemocratic influences at the multinational level that see some less wealthy and less powerful governments, notably those from the global south, undemocratically suppressed in global decision-making, notably by countries from the global North. For example, at UN climate negotiations, civil society can provide valuable legal, research and advocacy support to ambitious countries that are often small, low-income countries with much smaller delegations than fossil-fuel producing countries and industry groups.

In the area of women's rights and gender equality, feminists have also successfully campaigned for notable gains at the multilateral level, including the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was considered "a massive feminist victory" when it was adopted in 1979, as well as the wide-ranging Beijing Platform for Action agreed at the Fourth World Conference on Women in 1995.¹⁵³ Through sustained coordinated advocacy, civil society has also achieved notable gains in changing the ways of working of the UN Security Council, one of the most powerful UN bodies. For example, the UN Security Council resolutions on Women, Peace and Security, and Youth, Peace and Security¹⁵⁴ have recognised the important role that women and young people respectively play in preventing conflict and building lasting peace. The implementation of these resolutions has also provided opportunities for greater participation by women and young people in the working of the security council. For example, each year during Women, Peace and Security week a grassroots woman peacebuilder has addressed the council, often garnering international media attention and redefining who constitutes an expert in peace and security.

Many of civil society's achievements at the multilateral level have been achieved through the building of broad coalitions, both within civil society but also in many cases in coalition with similarly aligned governments. Civil society primarily engages with multilateral systems through a broad and diverse network of working groups, coalitions and alliances. These working groups cover varying themes, such as the Women's Working Group on Financing for Development, the Human Rights and Climate Change working group, or Feminists for a Binding Treaty (F4BT) coalition.

Similarly, at the Addis Ababa Financing for Development Conference in 2015, civil society worked to support the demands of more than 130 low- and middle- income countries as they campaigned for more just financing for development solutions, including tax justice and debt forgiveness.¹⁵⁵ Civil society has been supporting global south governments in their efforts to better regulate corporations, including in broad coalitions pushing for the creation of a robust UN binding instrument to hold transnational corporations to account on human rights. Civil

society coalitions have also pushed governments to create more ambitious agreements. For example, civil society coalitions successfully campaigned for the 2030 Agenda for Sustainable Development to include specific goals on addressing inequality, including economic and gender inequality. Indeed, the United Nations has acknowledged that, “civil society was at the core of the development of the Sustainable Development Goals.”¹⁵⁶

Endnotes

1. Harris Gleckman argues that multistakeholderism, “is a new emerging global governance system that seeks to ‘bring together global actors that have a potential stake in an issue and ask them to collaboratively sort out a solution.’” It diverges from the international governance system, multilateralism, established at the end of World War II in which, “governments, as representative of their citizens, take the final decisions on global issues and direct international organisations to implement these decisions”. In multistakeholderism, ‘stakeholders’ become the central actors without any clear procedure to designate them. They are different from public consultative arrangements focused on influencing governments and intergovernmental bodies because participating businesses and civil society are treated as equal actors and can make decisions on standards and develop policies and programmes as if they had governmental authority. The treatment of diverse stakeholders as equals is also problematic as it does not recognise the power imbalances or legitimacy on any given issue. Parliaments, civil society organisations and businesses may all be stakeholders, but their authority, legitimacy and power vary. In terms of legitimacy, for example, while governments and civil society organisations are usually guided by mandates to work for the common good, the aim of business actors is to work for profit for their specific company.
Transnational Institute, *Multistakeholderism: a Critical Look*, Workshop Report, March 2019 <https://www.tni.org/files/publication-downloads/multistakeholderism-workshop-report-tni.pdf>
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4. IETA. *Our Members*. <https://www.ieta.org/Our-Members-Energy-Power-Providers>
5. Kate Donald, *SDG 10: Squeezing the State: Corporate Influence Over Tax Policy and the Repercussions for National and Global Inequality* in **Reclaiming the public (policy) space for the SDGs: Privatization, partnerships, corporate capture and the implementation of the 2030 Agenda** http://www.world-psi.org/sites/default/files/documents/research/spotlight_report_2017.pdf
6. Public-private partnerships are agreements that include government and private sector actors. Multi-stakeholder partnerships are considered to include representation from governments, private sector and civil society. *Multi-stakeholder Governance: a Corporate Push for a New Global Governance*. <https://www.opendemocracy.net/en/multi-stakeholder-governance-corporate-push-for-new-global-governance/>
7. The anti-gender groups/campaign has targeted the UN since the 1990s – particularly the Commission on the Status of Women, which initiated all four World Conferences on Women, and the Commission on Population and Development – but the feminist leaders interviewed for this essay note an intensification of efforts, a diversification of conservative alliances, and an increasing impact since 2012. That year saw illiberal forces score a significant ‘spoil’ when they prevented the production of “agreed conclusions” at the 59th meeting of the CSW. Antifeminists collaborate at the UN to oppose the use of feminist language in official documents, in particular opposing abortion, and the free expression of non-heterosexual and nonbinary versions of sexual orientation and gender identity. There has been an increase in pressure to insert terms like “natural” and “fundamental” to describe “the family,” and to celebrate women’s roles and responsibilities as mothers. Since 2015, a “Group of the Friends of the Family” (GoFF) has cooperated on this agenda. Depending on who is counting, this is a group of 25 countries (according to the GoFF website) or 112 (according to one anti-abortion website). The Holy See is a consistent if informal presence. These are the countries that successfully coordinated, in the process mentioned earlier, to obstruct progressive targets on men’s engagement in unpaid care and on social protection in the SDG framework: https://www.amacad.org/sites/default/files/publication/downloads/Daedalus_Wi20_11_Goetz_0.pdf
8. Anti-rights groups have mushroomed in recent years. For instance, they go to the UN Human Rights Council under the pretence of speaking about human rights, but the human rights they defend are perceived as such only by the extreme right. They tend to adopt names that sound pleasing or inoffensive and they may be difficult to

identify as anti-rights groups at first. They may very well hold a side event that they claim is about ‘empowering women’ but is in fact targeted against LGBTQI+people. Most of the anti-rights groups are active in the field of women’s and LGBTQI rights, and many but not all are religious based. Some are working in areas related to business and human rights. Anti-rights groups are also using the language of rights. For instance, when the UN Human Rights Council made a big move to adopt a resolution on sexual orientation and gender identity, immediately there were proposals of resolutions and side events organised in reaction, but the opposition was framed as the defence of the rights of the family. Anti-rights groups are discrediting not just civil society, but also UN processes. Tremendous efforts will be needed to try to keep these groups in check while upholding the space for real CSOs and preventing these groups from crowding out this space. <https://www.civicus.org/index.php/media-resources/news/interviews/4012-united-nations-anti-rights-groups-come-in-under-the-pretence-of-speaking-about-human-rights>

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15. CIVICUS defines anti-rights groups as non-state groups that position themselves as part of civil society but attack fundamental and universal human rights.
CIVICUS, *Against the Wave: Civil Society Responses to Anti-Rights Groups*. Page 2.
https://www.civicus.org/documents/reports-and-publications/action-against-the-anti-rights-wave/AgainstTheWave_Full_en.pdf
16. A just, feminist and sustainable transition is about the reorganisation of the economy, society and politics with care, protection and promotion of human rights and the environment at the centre: where states invest in the creation of decent, green jobs for women – investing in gender-responsive public services financed through systems of progressive taxation to redress women’s unequal share of unpaid care work; shifts away from a reliance on exploitative and environmentally damaging export production of food by large-scale agribusiness, raw commodities by extractive industries and low value-added manufactured goods; supports green, domestic industries and climate resilient agroecology; holds corporations to account for rights violations in their supply chains and violence against workers, HRDs and the natural environment; ensures a feminist approach to macroeconomics, climate-related policies and decision-making at all levels; ensures taxation, debt and trade policies support economic and environmental justice; protects and promotes civic space including voices of women and their movements in all their diversity to shape political processes and hold duty-bearers to account; and promotes, respects, supports and centres women’s leadership, including in climate-related humanitarian response.
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May 2021