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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

### **Promotion of a democratic and equitable international order**

#### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the promotion of a democratic and equitable international order, in accordance with General Assembly resolution [73/169](#).

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\* [A/74/150](#).



## **Report of the Independent Expert on the promotion of a democratic and equitable international order**

### *Summary*

The Independent Expert on the promotion of a democratic and equitable international order has devoted his second thematic report to the Human Rights Council and the General Assembly to the intersectional topic of public participation and decision-making in global governance spaces and its impact on a democratic and equitable international order.

## I. Introduction

1. The present report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, is submitted pursuant to General Assembly resolution 73/169. It is the second report of the current mandate holder to the General Assembly since his appointment by the Human Rights Council at its thirty-seventh session, in 2018.

2. In his vision-setting report to the Human Rights Council at its thirty-ninth session, in September 2018, and to the General Assembly at its seventy-third session, in October 2018 (A/HRC/39/47), the Independent Expert identified six thematic priorities on which he would be focusing over the course of his tenure. One of the priorities concerns public participation and decision-making in traditional multilateral institutions and another concerns the emergence in previous decades of global governance spaces, such as the Group of Seven (G7), the Group of 20 (G20), the group comprising Brazil, the Russian Federation, India, China and South Africa (commonly known as “BRICS”), the Group of 77 (including the Intergovernmental Group of Twenty-four on International Monetary Affairs and Development (G24)), the Movement of Non-Aligned Countries, the World Economic Forum and the Bilderberg Meeting. The mandate holder decided to devote his present report to the intersectional topic of public participation and decision-making in such global governance spaces and its impact on a democratic and equitable international order. In this regard, he recalls paragraph 6 (h) of Council resolution 39/4, in which it is provided that “a democratic and equitable international order requires, inter alia, the realization of ... [t]he right to equitable participation of all, without any discrimination, in domestic and global decision-making”.

3. These intergovernmental, multisectoral and private groupings have gained significant importance at the geopolitical, economic and financial levels, as they play a considerable role in developing the framework and function of the international order, in parallel to the United Nations system. The configurations and methods of decision-making differ according to the group. However, in each case, their meetings and policies invite intense public scrutiny and even protests, exemplifying the scope of their influence on global governance and the major positions that they occupy as convenors of the world’s leaders and global thinkers. However, these groupings remain largely inaccessible to the public, in particular to those whose lives and livelihoods are affected by the decisions taken, hence contributing to the democratic deficit in the global decision-making process. As global governance forums, and as much as traditional multilateral institutions such as the United Nations in general, the World Bank and the International Monetary Fund (IMF), they have an obligation to make decisions in accordance with such basic principles of democratic governance as transparency, inclusivity, responsiveness and accountability.

4. In the preparation of the present report, the Independent Expert conducted a visit to Geneva, Paris and Washington, D.C., from 21 to 30 May 2019, during which he held a series of meetings with representatives of States members of the aforementioned intergovernmental groupings and representatives of the Organization for Economic Cooperation and Development (OECD), the World Bank, IMF and the World Economic Forum. He also convened two expert consultations with civil society representatives in Paris and Washington, D.C. and held several teleconferences with various stakeholders who could not attend the consultations. In addition, he benefited from submissions by civil society actors and Member States in response to two tailored

questionnaires issued in April 2019.<sup>1</sup> He is grateful to everyone who took the time to engage with him and contributed to the report.

5. The purpose of the present report is not to question the legitimacy of the global governance spaces. Most civil society interlocutors indicated that they saw value in engaging with these spaces given their importance in setting the framework for the world order. Furthermore, the report is by no means an exhaustive study of these spaces; rather, it is aimed at shedding light on such platforms, which are less in the public eye than the United Nations but whose influence is nevertheless considerable. While the Independent Expert focuses on public participation at the global level, and not at the local level, he acknowledges that some of these groupings have influence and, indeed, approaches to participation, that are specific to the local level, a subject that could be examined in future work.<sup>2</sup> The Independent Expert hopes that his report will provide useful observations and recommendations to all stakeholders involved in these global governance spaces, with a view to achieving a democratic and equitable international order.

6. The present report should be read in conjunction with the report of the Independent Expert to the Human Rights Council (A/HRC/42/48) on the same topic, which mirrors a number of findings and expands on several issues, in particular the structural and practical obstacles to access, inclusivity and the ability to influence the decision-making processes of global governance spaces, and accountability for commitments made in these spaces. It also sets out the activities undertaken by the Independent Expert between September 2018 and June 2019.

## II. Public participation and decision-making in global governance spaces

### A. Histories and purposes of the global governance spaces

7. The G7 is a forum for dialogue among seven of the world's most economically advanced countries.<sup>3</sup> The group was formed in the 1970s in response to the global oil crisis of 1973 to 1974 and has met every year since 1975 to discuss shared macroeconomic priorities.<sup>4</sup> Since the beginning, the format of G7 discussions has been intimate and semi-informal, with the idea that bringing world leaders together to candidly discuss international challenges could help to avert future crises.

8. Similarly, the G20 brings together government leaders from 19 of the world's largest economies and the European Union.<sup>5</sup> A creation of the G7, the group was initially established in 1999 in the wake of the Asian financial crisis as a meeting for economic cooperation between finance ministers and central bank governors.<sup>6</sup> However, as the group evolved, topics as diverse as climate change, gender equality,

<sup>1</sup> The questionnaires and the responses received will be made available at [www.ohchr.org/EN/Issues/IntOrder/Pages/GlobalGovernanceSpaces.aspx](http://www.ohchr.org/EN/Issues/IntOrder/Pages/GlobalGovernanceSpaces.aspx).

<sup>2</sup> The Independent Expert acknowledges the good work of the International Accountability Project see (<https://accountabilityproject.org>) and the Early Warning System (see <https://ews.rightsindevelopment.org>) in documenting challenges around public participation in economic and financial decision-making processes at the local level.

<sup>3</sup> The members of the G7 are Canada, France, Germany, Italy, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

<sup>4</sup> See [www.g7italy.it/en/history/](http://www.g7italy.it/en/history/); <http://www.g7italy.it/en/how-does-work/>.

<sup>5</sup> The nations that belong to the G20 are Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, the Republic of Korea, the Russian Federation, Saudi Arabia, South Africa, Turkey, the United Kingdom and the United States.

<sup>6</sup> See <http://g20.org.tr/about-g20/>.

artificial intelligence and international trade have entered its agenda.<sup>7</sup> The G20 annual leaders' summit, officially named the Summit on Financial Markets and the World Economy, was launched in 2008 during the global financial crisis and convenes heads of State together with ministers of finance on a yearly basis.<sup>8</sup>

9. BRICS is an association of major emerging economies. While it was a private sector economist who first originated the term "BRICs" in 2001,<sup>9</sup> a forum allowing leaders of the member countries to meet was not created until 2006, when the ministers for foreign affairs of Brazil, the Russian Federation, India and China met on the margins of the sixty-first session of the General Assembly.<sup>10</sup> Beginning in 2009, the leaders of those four countries began meeting annually to discuss areas of potential cooperation. They were joined by South Africa in 2010.<sup>11</sup> As with the other groupings, the BRICS agenda is flexible and has expanded in recent years from narrower discussions of collaboration in economic matters to more wide-ranging and interdependent topics, including business, agriculture, trade and technology.<sup>12</sup>

10. The Group of 77 was established in 1964 at the conclusion of the first session of the United Nations Conference on Trade and Development (UNCTAD). At that session, 77 developing countries signed a joint declaration whereby they agreed to formulate joint programmes of action for economic cooperation, working largely through traditional international organizations.<sup>13</sup> Since its establishment, membership in the group has grown to encompass 134 countries, although the group maintains its original historical name.<sup>14</sup>

11. Created as a movement of developing countries seeking to avoid the polarized allegiances of the Cold War, the Movement of Non-Aligned Countries aims to foster solidarity among developing countries under a number of common principles. In particular, the Non-Aligned Movement promotes respect for State sovereignty, human rights and the Charter of the United Nations; equality; non-interference in the domestic affairs of other nations; peaceful coexistence; self-defence; and international cooperation and mutual benefit.<sup>15</sup> Greatly influenced by the struggle for decolonization and bolstered by an international conference of African and Asian States that took place in Bandung, Indonesia, in 1955, the Non-Aligned Movement was officially formed in the late 1950s and began hosting a summit for heads of State or Government in 1961.<sup>16</sup> The Movement of Non-Aligned Countries now constitutes a forum in which 120 member countries can promote issues of mutual interest under the banner of multilateralism.

12. Established in 1971 as a non-profit foundation, the World Economic Forum has a mission to facilitate dialogue among leaders in business, politics, academia and other areas in order to make positive changes in the world.<sup>17</sup> The Forum was the brainchild of a University of Geneva business professor who, after initially inviting European business executives to Switzerland to discuss innovations in management

<sup>7</sup> Michael Crowley, "What is the G20?", *New York Times*, 27 June 2019.

<sup>8</sup> Ibid.

<sup>9</sup> See Jim O'Neill, "Building Better Global Economic BRICs", Goldman Sachs Global Economics Paper No. 66 (30 November 2001).

<sup>10</sup> See [www.brics2017.org/english/aboutbrics/brics/](http://www.brics2017.org/english/aboutbrics/brics/).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See [www.g77.org/doc/Joint%20Declaration.html](http://www.g77.org/doc/Joint%20Declaration.html).

<sup>14</sup> See [www.g77.org/doc/](http://www.g77.org/doc/). A full list of members is available at [www.g77.org/doc/members.html](http://www.g77.org/doc/members.html).

While China often participates in joint actions of the group, it is not an official group member. In this case, official statements from all are made on behalf of "the Group of 77 and China".

<sup>15</sup> See <https://mnoal.org/nam-principles/>.

<sup>16</sup> See <https://mnoal.org/nam-history/>.

<sup>17</sup> See [www.weforum.org/about/world-economic-forum](http://www.weforum.org/about/world-economic-forum).

and industry, oversaw the expansion of the Forum's mission to include broader economic and social concerns in the years shortly following.<sup>18</sup> It is an impartial, independent and non-governmental organization; however, it was recognized as an international organization under Swiss law in 2015.<sup>19</sup>

13. The Bilderberg Meeting was founded as a discussion forum for European and North American leaders. First held in 1954, the conference aimed to facilitate understanding of economic and social trends facing Europe and North America after the Second World War.<sup>20</sup> It has now become a multisectoral gathering that takes place over three days every year. Issues discussed during previous meetings range from a "stable strategic order", the "future of capitalism" and the "inequality challenge" to "the ethics of artificial intelligence", "nuclear proliferation" and "climate change and sustainability".<sup>21</sup>

## **B. Methods of participation and decision-making in global governance frameworks**

14. As much as their goals and histories are diverse, the global governance forums described in the present report have decision-making processes that are similarly varied. For example, the G7, the G20, BRICS and the Movement of Non-Aligned Countries are best known for hosting high-profile summits that bring together the heads of State or Government of member countries in rotating host countries. In the lead-up to the summits, meetings are also held between member States' finance ministers and other officials at which a plurality of decisions are negotiated. Overall, for the G7, G20 and BRICS, the process is steered by high-level diplomatic officials of the host country's Government, known informally as "sherpas", who themselves meet several times during the year leading up to the summit. As semi-informal configurations, the G7, G20 and BRICS do not have a secretariat, a charter or a standing agenda. Rather, each year's work is directed by one of their member States, which takes over the "presidency" of the respective groups on a rotational basis.

15. The Group of 77 functions in a unique way. Unlike the other groupings, it is from within different geographic chapters, each corresponding to the headquarters of a major international organization, that the Group makes decisions.<sup>22</sup> While the Group similarly hosts annual high-level meetings to set priorities, the bulk of its work is carried out in chapter-specific discussions. Drawing on the declaration agreed upon at the annual summit, the chapters decide by consensus resolutions to be submitted and actions to be taken within their respective international organizations. The G24, established by the Group of 77, is tasked with coordinating the position of developing countries on monetary and development issues in the deliberations of the Bretton Woods institutions. Its governing body meets twice a year, before meetings of IMF and the World Bank.

<sup>18</sup> See [www.weforum.org/about/history](http://www.weforum.org/about/history).

<sup>19</sup> World Economic Forum, "Press release: World Economic Forum gains formal status in Switzerland", 23 January 2015, available at [www.weforum.org/about/world-economic-forum](http://www.weforum.org/about/world-economic-forum).

<sup>20</sup> See <https://bilderbergmeetings.org/background/brief-history>.

<sup>21</sup> See <https://bilderbergmeetings.org/press/press-release/press-release>.

<sup>22</sup> In addition to New York (United Nations Headquarters), the chapters are Geneva (United Nations Conference on Trade and Development), Nairobi (United Nations Environment Programme), Paris (United Nations Educational, Scientific and Cultural Organization), Rome (Food and Agriculture Organization of the United Nations/International Fund for Agricultural Development) and Vienna (United Nations Industrial Development Organization), and the Intergovernmental Group of Twenty-four on International Monetary Affairs and Development in Washington, D.C. See the submission by the Government of Senegal, p. 2.

16. Modes of participation also differ according to group. For example, civil society participates in the G7 and G20 discussions through specific engagement groups, or self-directed networks of organizations conducting advocacy in parallel to the G7 and G20 meetings. In particular, civil society groups seeking to advance gender equality coordinate themselves under the umbrella of Women 7 or Women 20. Youth organizations engage with the respective groupings together as Youth 7 and Youth 20. Moreover, a diverse configuration of civil society groups has created and steered broader civil society networks that address both spaces.<sup>23</sup>

17. While not as developed as the G7 and G20 engagement groups, the BRICS summits have also drawn civil society interest, and parallel civil society action, under networks such as the BRICS Trade Union Forum, Civil BRICS and the People's Forum on BRICS.<sup>24</sup> Meetings of interested business representatives are held in parallel.

18. The Independent Expert is not aware of specific procedures or forums for civil society participation within the Group of 77 or the Movement of Non-Aligned Countries. However, this may be a consequence of their particular histories and functions. While both the Group of 77 and the Movement of Non-Aligned Countries maintain identities outside of the United Nations, both also operate within traditional multilateral organizations and can hear from civil society and the public through those organizations as well.

19. Different still is the work of the World Economic Forum. Most famous for its annual meetings in Davos, Switzerland, the Forum also convenes public regional and subject-specific meetings around the world on a regular basis. With the goal of bringing Governments, the private sector and a broad cross section of civil society together to discuss emerging issues, the Forum engages civil society by inviting non-governmental organizations (NGOs), non-profit private associations, academia, think tanks and industry groups to relevant public events.

20. The Bilderberg Meeting draws together representatives from many sectors, including business, labour, finance and academia, with only a very few civil society organizations invited. The discussions held are notoriously private, with no information made available on the proceedings of the meetings or any coverage by the media.<sup>25</sup> Participants in the Meeting join the dialogue in their personal, and not their official, capacities and the full meeting takes place in accordance with the Chatham House Rules. At the conclusion of the conference, no formal agreement is concluded, nor is a policy statement issued.<sup>26</sup>

<sup>23</sup> The engagement groups working alongside the G7 are Civil 7, Women 7, Labour 7, Business 7, Think Thank 7, Science 7 and Youth 7. The groups working alongside the G20 are Civil 20, Women 20, Labour 20, Business 20, Think Tank 20, Youth 20, Science 20 and Urban 20. In addition, an interfaith forum has been held since 2014. See John Ruthrauff, Center for Democratic Education, "G7 Summit Advocacy Manual 2019", pp. 2–3; and John Ruthrauff, Center for Democratic Education, "G20 NGO Advocacy Manual 2019", pp. 4–5.

<sup>24</sup> An academic observer of these forums has concluded that, despite very different approaches, both the formalized Civil BRICs and the self-organized People's Forum on BRICS have helped to link the lived experiences of individuals and communities with the policymaking of the BRICS Governments. See Laura Trajber Waisbich, "Diverse voices: civil society at the 8th BRICS summit", Sexuality Policy Watch, 9 December 2016.

<sup>25</sup> The Independent Expert did not receive any input on engagement with this highly exclusive forum. He interprets this situation as the public simply not knowing about its existence, which he finds unsatisfactory.

<sup>26</sup> See <https://bilderbergmeetings.org/press/press-release/press-release>.

### C. Overall impact of the economic and financial policies of global governance spaces on a democratic and equitable international order

21. The influence of global governance forums on the international order is widely recognized. From setting global economic priorities to coordinating responses to transnational challenges such as global migration, fair trade, global peace and security, climate change, terrorism and corruption, decisions taken by intergovernmental, multisectoral and private groupings affect not only their members and those who engage with them, but also populations outside of their territories. The G20 countries alone reportedly constitute two thirds of the world's population, represent more than 80 per cent of global gross domestic product and account for three quarters of international trade.<sup>27</sup> As such, agreements made by G20 members will undoubtedly affect how equitable the world becomes.

22. Global governance forums will also have added importance given the increasingly cross-border nature of the world's political and economic challenges. Take, for example, the issue of corruption. News reports have disclosed international bribery scandals, national assets hidden in foreign jurisdictions and the scope of corporate tax evasion, demonstrating that national approaches to these phenomena cannot address all components of the problem. In an era of interconnected financial, political and cultural systems, it is primarily through global governance forums, both traditional and non-traditional, that Governments and other stakeholders reach common solutions. The G20, for example, has attempted to coordinate responses to corruption, including by establishing a working group on the topic and developing documents to outline potential policy responses.<sup>28</sup> It has also adopted, jointly with OECD, the Inclusive Framework on Base Erosion and Profit Shifting, which concerns tax-planning strategies that exploit gaps in tax rules to shift profits to low- or no-tax locations where there is little or no economic activity.<sup>29</sup>

23. In addition to global governance forums having collateral impacts on nations outside of their groupings, some Governments have taken advantage of them as a space to coordinate foreign policy approaches, including as regards non-member States and regions. For example, in 2019, G7 members adopted initiatives aimed at promoting health and education in the Sahel region, home to some of the world's poorest countries.<sup>30</sup> In another example, declarations by the Movement of Non-Aligned Countries have addressed issues such as the imposition of sanctions, foreign occupation and the territorial claims of other member States.<sup>31</sup>

24. Some groupings that have emerged, such as the Group of 77, the Movement of Non-Aligned Countries and BRICS, have, by design, sought to raise the voices of developing countries and emerging powers in the global sphere. By bringing the perspectives of countries of the global South to the table, these groupings have succeeded in putting their own substantive issues on the global agenda. The Group of 77, for example, has raised such issues as the sovereignty of developing countries over their natural resources, the need to reduce poverty and inequality in the world and the desire for more inclusive economic development, including development that

<sup>27</sup> See the submission by Amnesty International.

<sup>28</sup> See the submission by Transparency International.

<sup>29</sup> See [www.oecd.org/tax/beps/beps-about.htm](http://www.oecd.org/tax/beps/beps-about.htm).

<sup>30</sup> See the submission by Women 7; see also G7, "Joint Paris G7/G5 Sahel communiqué", 4 July 2019.

<sup>31</sup> See, for example, Movement of Non-Aligned Countries, final document of the seventeenth Summit Conference of Heads of State or Government of the Movement of Non-Aligned Countries, 17 and 18 September 2016.

includes job creation and social protection for communities.<sup>32</sup> Procedural issues that are connected to substantive ones, such as States having proportional responsibility for the United Nations budget according to their wealth, have also been raised.<sup>33</sup>

25. At the same time, the Group of 77, the Movement of Non-Aligned Countries and BRICS have highlighted the need for global governance itself to be further democratized. They have done this by pointing to inequalities between States in terms of representation in global governance structures, raising concerns about the inequitable outcomes of the prevailing international financial architecture and advocating diversity both of background and of viewpoint in international institutions. However, as member States of the Group of 77 and the Movement of Non-Aligned Countries have cautioned, the influence of these groupings on the international order has been constrained, especially more recently and in traditional intergovernmental organizations, by the opposing viewpoints of non-member States.

26. One of the demonstrable impacts of the BRICS alignment on the international order is the establishment of the New Development Bank (formerly referred to as the BRICS Development Bank), which observers have compared to the World Bank in terms of its ambitious agenda. One respondent indicated that the New Development Bank had helped to mobilize resources to fill gaps in infrastructure development in countries of the global South.<sup>34</sup> There is hope that the Bank can model new forms of development financing that are sustainable and incur fewer environmental costs; however, as a relatively new institution, the commitment to doing so remains to be seen.<sup>35</sup>

27. Ministerial meetings, such as those hosted by G7 countries, are a unique opportunity for government ministers to share experiences in a semi-formal manner. During the Independent Expert's consultations, it was noted that these global forums can have a stabilizing effect on governance, given that the forums enable leaders to make sense of the challenges that they face and motivate them to view those challenges from a global perspective. In doing so, global governance forums may prevent leaders from taking unilateral approaches, which might otherwise disrupt the international order. In addition, the Independent Expert has been informed that the protected atmosphere of the groupings provides a safe space in which leaders can discuss issues in a frank manner, thereby paving the way for the type of consensual decision-making that is currently difficult to come by in traditional intergovernmental forums owing to the present day's divisive geopolitics. Moreover, it appears that States that have historically held oppositional stances in intergovernmental debates interact collegially in meetings of economic groupings, where they engage with each other on issues of shared interest, such as health and economics.

28. The impact on the international order is clear in cases in which decisions taken in global governance forums are directly brought to meetings of traditional multilateral institutions such as the United Nations. However, even when the purpose of such meetings is not to translate decisions to multilateral spaces, these groupings still manage to influence multilateral agendas. The Group of 77, for example, operates largely as a caucus in which States formulate mutual positions that they jointly present as resolutions to the Human Rights Council and the General Assembly. In other groupings, such as the G20, the impact on the multilateral system comes through indirect influence. In particular, States may develop similar strategies or positions within the global grouping that they uphold individually in subsequent intergovernmental discussions. Conversely, according to a number of respondents, the

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<sup>32</sup> See South Centre, *South Bulletin*, No. 81 (25 July 2014), pp. 6–7.

<sup>33</sup> See the submission by the Government of Ecuador.

<sup>34</sup> See the submission by Conectas Direitos Humanos.

<sup>35</sup> *Ibid.*

global governance groupings are spaces in which the 2030 Agenda for Sustainable Development, a product of the United Nations, is regularly discussed.

29. In contrast, the World Economic Forum and the Bilderberg Meeting do not have a mission that explicitly links them to the multilateral system or even to intergovernmental organizations. However, they still manage to influence the international order by serving as incubators of ideas and providing platforms for discussion of global concerns. In particular, they encourage leaders in Government, business, academia and civil society (the latter applying to the Forum only) to consider new issues on the horizon and to brainstorm on new and collaborative approaches to persistent problems, which ultimately influence how the world is ordered.

#### **D. Importance of ensuring effective public participation in global decision-making processes**

30. Regardless of the structure and functioning of the global governance space, public participation is a core democratic value and a key principle of a human rights-based approach that should be upheld to ensure that the work of the groupings contributes to a democratic and equitable international order. “Public participation” is understood in the present report to be participation by all segments of society that do not relate to the State: civil society in general, including NGOs, academia, labour unions, mass movements, and groups that are marginalized or discriminated against, including women, children, youth, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, members of minorities, indigenous peoples, migrants and refugees.

##### **1. General legal framework governing public participation in public affairs**

31. Article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights recognize the right and opportunity of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives. The right to participate in decision-making is not restricted to local affairs, but extends to global institutions, in which the right to be heard should be upheld. In its general comment No. 25 (1996) on participation in public affairs and the right to vote, the Human Rights Committee recognized that the conduct of public affairs “cover[ed]... the formulation and implementation of policy at international, national, regional and local levels” (para. 5).<sup>36</sup>

32. Importantly, the exercise of the right to participate in public affairs should be seen in conjunction with the exercise of the right to equality and non-discrimination, as well as with the exercise of the enabling rights of freedom of opinion and expression, including access to information, freedom of peaceful assembly and freedom of association, as guaranteed by international human rights law. These rights are the foundations of a safe and enabling environment and also apply at the international level, as stressed by previous special procedure mandate holders.<sup>37</sup>

33. In its resolutions, the Human Rights Council emphasized the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies and their representatives and mechanisms;<sup>38</sup> the critical importance of equal and effective

<sup>36</sup> See also article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

<sup>37</sup> See, for example, [A/69/365](#) and [A/72/350](#).

<sup>38</sup> Human Rights Council resolution [32/31](#), para. 10.

participation in political and public affairs for democracy, the rule of law, social inclusion, economic development, the advancement of gender equality and the realization of all human rights and fundamental freedoms;<sup>39</sup> and the crucial importance of the active involvement of civil society, at all levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies.<sup>40</sup>

34. As the Human Rights Council pointed out, the 2030 Agenda for Sustainable Development, which has been endorsed by all States Members of the United Nations and therefore by member States of the aforementioned global governance spaces,<sup>41</sup> recognizes equal participation as a vital principle for achieving sustainable development, eradicating poverty and realizing all human rights.<sup>42</sup> Sustainable Development Goal 16 is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This Goal includes ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7).

35. In 2018, at the request of the Human Rights Council in its resolution [33/22](#) and following a wide global consultation process, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released guidelines on the effective implementation of the right to participate in public affairs. These guidelines contain concise and action-oriented recommendations on how States can put this right into practice, including in the context of participation at the international level.<sup>43</sup> In its resolution [39/11](#), which was adopted by consensus, the Council took note with interest of the guidelines and presented them as a set of orientations for States and other relevant stakeholders.<sup>44</sup> The Independent Expert is of the opinion that these guidelines are fully relevant for the global governance spaces profiled in the present report.

## **2. Positive role of civil society and importance of ensuring a safe and conducive environment**

36. As stressed repeatedly during the consultations and in the submissions received, meaningful public participation by civil society at large in global governance spaces is of paramount importance for ensuring the transparency and legitimacy of their decision-making processes and, ultimately, their credibility.

37. Civil society participation means that decisions taken will be informed by a wide range of actors, such as marginalized populations who are most vulnerable to the consequences of the decisions taken, as well as civil society interlocutors who can contribute expertise in diverse areas to discussions.<sup>45</sup> As a result, policies developed through participatory processes are likely to be more effective and sustainable because they have been vetted by affected populations and independent outsiders and experts.<sup>46</sup> Public participation can also be a bridge to the public, helping to publicize and explain the importance of global governance spaces even if the discussions held

<sup>39</sup> Council resolution [33/22](#), preamble.

<sup>40</sup> Council resolution [32/31](#), preamble.

<sup>41</sup> For example, the G20 committed in 2016 to realizing the Sustainable Development Goals.

<sup>42</sup> Council resolution [33/22](#), preamble.

<sup>43</sup> See [www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx](http://www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx).

<sup>44</sup> Council resolution [39/11](#), preamble and para. 1.

<sup>45</sup> Respondents mentioned that civil society had expertise in a wide range of areas, including in policy, technology and innovation, human rights standards and local contexts. See the submissions by Transparency International and Amnesty International; see also [A/HRC/38/18](#).

<sup>46</sup> See the submissions by Amnesty International, Conectas Direitos Humanos and Transparency International.

in such spaces are technical and would otherwise be inaccessible to the public.<sup>47</sup> Furthermore, public participation is a way to provide oversight and guard against negative human rights impacts, including ones that may be unforeseen by leaders. It will also ensure that global governance spaces have an impact on more than just the world's elites and that the time and resources of Governments are used responsibly, for the benefit of all and resulting in the best possible outcomes.<sup>48</sup> Lastly, civil society participation captures the public's imagination, inspires action and can build momentum for pressing issues.

38. Several participants in the consultations of the Independent Expert mentioned that the public and civil society are inherently suspicious of the global spaces, which they believe make decisions without their input and, potentially, not in their best interests. In addition, the erosion of the concept of representative government, or the idea that politicians naturally have the best interests of their constituents at heart, is as equally felt in these international arenas as in national settings. Regardless of approach, it is clear that increasing avenues for participation is one way of dispelling suspicion of global governance forums and ensuring their effectiveness.

39. In order for meaningful public engagement at the global governance level to take place, it is crucial that a safe and conducive environment be ensured at the local level: in other words, practices of access at the national level will influence access at the supranational level. However, as documented by OHCHR, several special procedure mandate holders and civil society organizations, the space for civil society at the local level has been shrinking for many years in all parts of the world. In this regard, the enjoyment of the rights to freedom of opinion and expression (including access to information), freedom of peaceful assembly and freedom of association is an important barometer of the extent of a safe and conducive environment, including in the context of summits and meetings of global governance spaces, which have been the subject of major protests in previous years and, to a lesser extent, today.

40. Similarly, civil society actors are potentially vulnerable to acts of intimidation and reprisal by State and non-State actors because of their participation, or attempt to participate, in decision-making processes of the global governance spaces studied in the present report. The Independent Expert did not receive reports of any instance of reprisal in the course of its preparation. He nevertheless wishes to remind States in general of their responsibility to investigate any allegation of reprisal received, provide redress and prevent reoccurrence. The Independent Expert hopes that, should an act of intimidation or reprisal occur and a member State of the global governance space refuse to take action on it, other member States of the global governance space, along with, when relevant, OECD, the World Bank and IMF as guests of the spaces, would denounce the offending member State.

### **3. Selected good practices on public participation in decision-making processes at the United Nations level**

41. The Independent Expert wishes to highlight some of the good practices around public participation in decision-making processes at the United Nations level, with a view to inspiring global governance spaces to pay greater attention to such participation. He notes that this is a non-exhaustive list of good practices and that there is room for improvement at the United Nations level on several fronts in this area (which is not the purpose of the report).

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<sup>47</sup> See the submission by Transparency International.

<sup>48</sup> See the submissions by Amnesty International, Samarthanam Trust for the Disabled and Transparency International.

42. First of all, as flagged by several interlocutors, the relevance and legitimacy of the role of civil society in the work of the United Nations is enshrined in the Charter of the United Nations, in its article 71 whereby “the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence”. This is a fundamental acknowledgement that global governance spaces should embrace explicitly.

43. Several United Nations entities have institutionalized the participation of civil society through a set of procedures, such as the World Health Organization’s Framework of engagement with non-State actors and the internal Policy and Strategy for Cooperation with Non-Governmental and Civil Society Organizations of the Food and Agriculture Organization of the United Nations,<sup>49</sup> as well as the establishment of advisory boards composed of civil society representatives, such as the United Nations Development Programme Civil Society Advisory Committee, the Youth Advisory Board and Advisory Group on Gender Issues of the United Nations Human Settlements Programme and the United Nations Population Fund’s global non-governmental organization advisory panel for the Executive Director.<sup>50</sup>

44. Many United Nations organizations, such as OHCHR, the United Nations Office at Geneva and the United Nations Environment Programme (UNEP), have set up dedicated civil society units to provide support to civil society in relation to, inter alia, their applications for accreditation, requests for capacity-building and access to information.<sup>51</sup> Civil society has been able to contribute to shaping the agenda of some United Nations forums, such as the Forum on Human Rights, Democracy and the Rule of Law, where OHCHR, after making a public call for inputs, selected the main topics for discussion on the basis of the submissions received.<sup>52</sup> With regard to access to information, UNEP has adopted a comprehensive policy that puts accredited participants on an equal footing with Member States in terms of access to documents and gives access to any information in its custody, unless confidentiality can be raised under the exceptions listed in the policy.<sup>53</sup> Civil society actors have benefited from financial support for travel and capacity-building initiatives offered by several United Nations entities, including OHCHR through various funds, UNEP and the Department of Economic and Social Affairs of the Secretariat.<sup>54</sup>

45. The issue of reprisals against individuals and groups cooperating or seeking to cooperate with the United Nations in the field of human rights has been a cause of great concern to the United Nations system, whose many actors have been engaged in responding to such instances, such as OHCHR (at headquarters and in the field), the Human Rights Council, special procedures and other human rights mechanisms. Since 2010, the Secretary-General has issued annual reports in which he has documented acts of reprisals and expressed his grave concerns, while recognizing that more needs to be done to prevent and respond effectively to all cases of reprisals across the United Nations.

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<sup>49</sup> See the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations (A/HRC/38/18), para. 14.

<sup>50</sup> Ibid., para. 16.

<sup>51</sup> Ibid., para. 17.

<sup>52</sup> Ibid., para. 12.

<sup>53</sup> Ibid., para. 37.

<sup>54</sup> Ibid., para. 55.

## E. Importance of public outreach by global governance spaces to enhance public participation<sup>55</sup>

46. There is a case to be made that outreach to civil society and the public could increase and improve the level of civic participation in global governance spaces. For one, many civil society groups do not have a clear picture of the key goals of each global governance forum and how the decisions they make affect people's daily lives. Thus, they have not considered becoming actively involved in the forums. In addition to this lack of knowledge, the ad hoc and sometimes fragmented nature of the groupings may contribute to confusion about the aims and importance of the forums, thereby raising doubts on whether engagement with them would be productive.

47. When speaking of public engagement in BRICS meetings, for example, an academic observer noted that many civil society organizations she encountered considered BRICS an abstract configuration, or an entity to be opposed without question, based on their prior experiences with BRICS member States in local or bilateral contexts.<sup>56</sup> Another respondent informed the Independent Expert that the apparent focus by BRICS on economic cooperation rather than on political and social issues such as human rights might discourage participation in that particular space.<sup>57</sup> Moreover, the Independent Expert is aware that some NGOs have refrained from engaging with the groupings because of how global governance forums, in particular the G7 and G20, are conceived in the popular imagination, namely, as spaces in which particular corporate or powerful political interests are advanced.

48. Further, the State-centred nature of the groupings and the impromptu approach they have to civil society participation thus far send the message that outside organizations and the wider public do not have a specific role to play in the forums. Besides, the lack of readily available information about how to get involved reinforces a common belief that the spaces are exclusive. Even civil society organizations that have successfully accessed global governance forums have indicated that there are structural factors that render them secondary actors in the discussions. For example, if civil society is separated into specific engagement groups or discussion forums in which organizations do not have direct access to decision-makers, this can reinforce the perception that civil society will be kept at a distance or is otherwise invited solely to fulfil bureaucratic prerequisites. A number of interlocutors informed the Independent Expert that, when States share invitations or information with civil society groups, this information often comes at a late stage, and the interaction between members of the spaces and civil society is very short, hence preventing a meaningful discussion. In other cases, civil society involvement takes place at the end of the process as a procedural matter, which consequently prevents meaningful civil society involvement in agenda-setting and decision-making. Because of this, groups may choose not to invest resources in participating.

49. Several organizations stressed to the Independent Expert that they recognize the importance of participating in global governance spaces and some have even considered it an achievement when they have participated in the past, especially when they have seen their priorities reflected in summit outcome documents. However, a number of organizations continue to harbour doubts about the ultimate impact of the outcome documents themselves, and thus, of their participation. In particular, they

<sup>55</sup> This section in particular should be read in conjunction with the sections from the Independent Expert's report to the Human Rights Council ([A/HRC/42/48](#)) on the structural and practical obstacles to access, inclusivity and the ability to influence the decision-making processes of global governance spaces, and accountability for commitments made in these spaces.

<sup>56</sup> Laura Trajber Waisbich, "Diverse voices: civil society at the 8th BRICS summit", Sexuality Policy Watch, 9 December 2016.

<sup>57</sup> See the submission by Amnesty International.

fear that the absence of implementation mechanisms, official follow-up year after year, multi-year horizon, reporting obligations and financial targets has resulted in forum outcomes that are largely rhetorical. As noted in one submission: “In our opinion, the impact of the groupings is over-emphasized. There are a lot of resolutions, but many of them are either not implemented or only reflect policies that are implemented anyway, irrespective of their endorsement by the G7/G20”.<sup>58</sup> In addition to this caution, the organization indicated: “[P]robably [the] most important part of the G20 process, the ‘finance ministers track’, is also the least transparent and the one that is most difficult to access”.<sup>59</sup> The widely held view that the forums themselves do not have a concrete impact is also likely to discourage participation.

50. Finally, there are organizations that consider it more financially feasible or effective to engage individual States at the national level rather than undertaking efforts to travel to faraway forums. The case of civil society engagement in South Africa was provided to the Independent Expert as a positive example of national-level advocacy ultimately translating to the international sphere. In particular, respondents informed the Independent Expert that South Africa’s Department of International Relations and Cooperation regularly consults civil society groups in the country about the stances it takes in multilateral forums, including in BRICS. In the past, the Government has undertaken efforts to invite over 100 relevant individuals and groups to meetings at which it could seek their viewpoints and explain the challenges, constraints and opportunities it faced in BRICS and in other forums.<sup>60</sup> This was an outreach effort appreciated by civil society.

51. That positive example notwithstanding, however, it was noted that participation rates in such national processes remained low, with only around 10 per cent of invitees taking advantage of the opportunity. It was argued that low participation could be due in part to smaller organizations not having the resources to travel to the location where national meetings were taking place.<sup>61</sup> It is also possible that organizations deprioritize engagement after weighing the cost of participation against the expected impact.<sup>62</sup>

52. All of the above realities point to the importance of outreach to civil society and the wider public. In addition to removing structural obstacles to participation, outreach conducted by States belonging to the groupings would demonstrate the value of meaningful and constructive engagement and improve the quality of participation, ultimately making the global governance forums more effective.

53. The experience of Canada when it hosted the forty-fourth G7 summit illustrates the benefit of, and challenges presented by, outreach. In addition to working with the G7 formal engagement groups in the lead-up to the 2018 summit, the Government of Canada undertook an additional outreach campaign that targeted not only civil society, but the wider Canadian public through town hall meetings, public dialogues and social media. The goal was to solicit feedback from the public on positions that Canada should take on issues to be discussed at the G7 summit.

54. The Government found that round tables convening key civil society representatives provided significant substantive advice, and the opinions expressed did in fact inform Canada’s position at the summit. It also found that the involvement of top government leaders in the outreach process evoked interest from the public.

<sup>58</sup> See the submission by the non-governmental organization German Forum on Environment and Development.

<sup>59</sup> Ibid.

<sup>60</sup> See the submission by Amnesty International.

<sup>61</sup> Ibid.

<sup>62</sup> Concerns were nevertheless expressed about the co-optation by the Department of International Relations and Cooperation of Civil BRICS steering committee members from grass-roots organizations: see the submissions by Amnesty International and Professor Patrick Bond.

For example, the Prime Minister of Canada himself held an online questions and answers session that drew numerous reactions on social media. On the other hand, a series of more open town hall meetings did not produce the level of participation that the Government had originally hoped. Overall, the Government found that public education about what the G7 stood for, why it would be important to engage and how one could participate helped to “demystify” the process, eventually drawing more organizations and individuals to take part. At the summit itself, civil society members and ordinary Canadians were invited to share their perspectives with summit leaders for the first time.<sup>63</sup>

### III. Conclusions and recommendations

**55. The proliferation of global governance spaces on the geopolitical, economic and financial scenes over the years, outside the traditional United Nations system, is a phenomenon that has undeniably had a considerable impact on the framing and functioning of the international order.**

**56. In a number of global governance spaces, there have been efforts to increase consultations with the different sections of society whose lives and livelihoods are affected by the decisions taken. However, it appears that this participation has been at times tokenistic, while other spaces remain simply inaccessible. The ability to influence the decision-making processes of global governance spaces depends primarily on how open and receptive each Government is to civil society engagement and, as a result, how important it views public participation to be in decision-making processes.**

**57. It is essential that global governance spaces take public participation seriously: participation not only enhances the transparency, legitimacy and credibility of these spaces, but also contributes significantly to the fulfilment of their goals in an effective, sustainable and inclusive manner. Importantly, the voices and concerns of marginalized groups need to be heard and duly taken into consideration in the decision-making processes of these spaces. A democratic and equitable international order can be achieved only if global governance spaces consent to becoming, first and foremost, people-centred.**

**58. In the spirit of continuing the constructive dialogue that he has held with various stakeholders since the beginning of his tenure, echoing the OHCHR guidelines on the effective implementation of the right to participate in public affairs, and with reference to the additional findings contained in his thematic report to the Human Rights Council on the same topic, the Independent Expert recommends that global governance spaces and their respective member States and non-State members:**

**(a) Allow and proactively encourage public participation in all relevant stages of the discussions and decision-making processes of global governance spaces;**

**(b) Acknowledge the importance of public participation in a charter or similar document;**

<sup>63</sup> It should also be noted that the G7 Summit in Canada also drew protests, with demonstrators raising concerns about such issues as free trade agreements, extractive industries, workers' rights and cuts to social security. See Anna Mehler Paperny and Kevin Dougherty, “Heavy security quells scattered protests at Canada G7 summit”, Reuters, 9 June 2018; Jonathan Montpetit, “Who’s protesting at the G7, and why”, CBC, 7 June 2018. The level of security employed to contain the protests has been criticized as designed to discourage dissent: See, for example, Ligue des droits et libertés and Amnistie Internationale, “Manifestes sous intimidation: Rapport de mission d’observation du G7”, September 2018.

- (c) Provide access to global governance spaces without discrimination of any kind;
- (d) Ensure that engagement with civil society is diverse and inclusive, in particular in relation to individuals and groups that are marginalized or discriminated against, including women, children, youth, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, members of minorities, indigenous peoples, migrants and refugees, and treat all engagement groups equally;
- (e) Ensure respect for the independence of civil society actors engaging in the processes;
- (f) Undertake wide outreach on in-person and online participation by civil society in decision-making processes;
- (g) Develop and make widely available a clear and transparent set of policies and procedures on participation in order to make access more consistent and reliable;
- (h) Make publicly available a list of high-level diplomatic officials (“sherpas”) and other key officials in charge of the processes at the national level;
- (i) Appoint information officers or contact persons in global governance spaces who are charged with facilitating the flow of information;
- (j) Give greater visibility and means to existing civil society teams within global governance spaces and member States;
- (k) Establish funding pools that are managed independently of member States and reserved for participants from organizations with modest financial means, in particular those working on behalf of individuals and groups that are marginalized or discriminated against, and allocate funds on the basis of the principles of equity and fairness;
- (l) Strengthen the capacity of the public to participate meaningfully in global governance spaces, in particular those who are less familiar with procedures governing participation at the international level, such as grass-roots and local civil society organizations working with individuals or groups that are marginalized or discriminated against;
- (m) Create a permanent official website containing information related to decision-making processes, through the use of information and communications technology or other appropriate means, in a timely manner and in all official languages of the global governance spaces concerned, and keep the website up to date;
- (n) Use information and communications technology to foster greater and more diverse participation by civil society;
- (o) Allow civil society to contribute to shaping the agendas of discussions and to advocate issues outside the spaces’ agendas;
- (p) Share meeting agendas with civil society invitees well ahead of the meetings concerned;
- (q) Distribute documents prepared by civil society to delegates ahead of the meeting so that they can be studied properly;
- (r) Allow sufficient time between civil society summits and ministerial and leaders’ summits to enable due consideration of civil society recommendations by member States;

- (s) Issue invitations and registration information to civil society participants diligently;
- (t) Facilitate the timely issuance of visas to civil society participants;
- (u) Ensure the participation of high-level officials at civil society summits;
- (v) Grant civil society access to leaders' summits;
- (w) Establish robust independent accountability mechanisms to measure progress towards fulfilling the commitments made at the summits and implementing the Sustainable Development Goals, in a reliable, objective and systematic manner;
- (x) Consider linking the commitments made by the global governance spaces with the universal periodic review;
- (y) Support civil society financially so that it can contribute to monitoring implementation of commitments;
- (z) Ensure a safe and conducive environment for civil society by respecting, promoting and facilitating the rights to freedom of opinion and expression (including access to information), freedom of peaceful assembly and freedom of association;
- (aa) Investigate thoroughly all acts of intimidation and reprisal against civil society actors engaging or seeking to engage with global governance spaces, provide effective remedies and prevent their recurrences.

59. The Independent Expert recommends that civil society:

- (a) Establish permanent structures, according to category, for its continuous participation in global governance spaces, through impartial, non-discriminatory, transparent and participatory processes; ensure that these structures are particularly accessible to and inclusive of individuals and groups that are marginalized or discriminated against; and set up a depository of all civil society statements and other relevant documents;
- (b) Introduce a reporting process to measure progress made by global governance spaces and their members with respect to civil society recommendations;
- (c) Undertake greater outreach, in particular by steering committees that organize civil society participation and by large NGOs, with a view to informing small or grass-roots organizations, and individuals and groups that are marginalized or discriminated against, about opportunities for participation, and enhance their capacity to participate.

60. The Independent Expert encourages IMF, the World Bank and OECD to champion public participation in the decision-making processes of global governance spaces, and to denounce any acts of intimidation or reprisal that may occur against those participating or seeking to participate.

61. The Independent Expert encourages the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association to look at the issue of the enjoyment of these rights in the context of global governance spaces. He further encourages special procedure mandate holders in general, and other human rights mechanisms, to pay attention to the commitments made by global governance spaces in their work.