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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Promotion of a democratic and equitable international order

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 devotes his second thematic report to the Human Rights Council to the intersectional topic of public participation and decision-making in global governance spaces and its impact on a democratic and equitable international order.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, is submitted to the Human Rights Council in accordance with Council resolution 18/6 and subsequent resolutions 21/9, 25/15, 27/9, 30/29, 33/3, 36/4 and 39/4. It is the second report of the current mandate holder since his appointment by the Council at its thirty-seventh session, in 2018. The Independent Expert is requested to report regularly to the Council and to the General Assembly, pursuant to Council resolution 18/6, paragraph 20 of Council resolution 39/4 and paragraph 22 of General Assembly resolution 73/169.

2. In his vision-setting report to the Human Rights Council at its thirty-ninth session, in September 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 these 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),¹ the Group of 20 (G20),² the group consisting of Brazil, the Russian Federation, India, China and South Africa (commonly known as “BRICS”), the Group of 77 (G77, including the Intergovernmental Group of 24 on International Monetary Affairs and Development),³ the Movement of Non-Aligned Countries,⁴ 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 para. 6 (h) of Council resolution 39/4, which provides 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 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. To prepare this 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

¹ Canada, France, Germany, Italy, Japan, United Kingdom of Great Britain and Northern Ireland and United States of America.

² Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Turkey, United Kingdom, United States of America and European Union.

³ G77 is in fact composed of 134 member States. The full list is available at www.g77.org/doc/members.

⁴ The Non-Aligned Movement is composed of 120 member States.

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 2019.⁵ 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, its aim is to shed light on these platforms, which are less in the public eye than the United Nations but whose influence is nevertheless considerable. While the Independent Expert focuses in his report 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.⁶ 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 Independent Expert's report on the same topic to the General Assembly at its seventy-fourth session, which mirrors a number of findings and expands on a number of issues, in particular the history and purposes of the global governance spaces and the importance of public outreach by these spaces to enhance public participation.

II. Activities

7. In September 2018, on the margins of the thirty-ninth session of the Human Rights Council, the Independent Expert held a public meeting with civil society actors with a view to seeking feedback on his thematic priorities and discussing possible avenues of collaboration. Similar discussions were held with civil society on the margins of the seventy-third session of the General Assembly in October 2018. The Independent Expert took the opportunity while in Geneva to meet with the Chairs of the five regional groups at the Human Rights Council (Africa, Asia and the Pacific, Eastern Europe, Latin America and the Caribbean and Western Europe), and subsequently, in November 2018, with delegates of the five United Nations regional groups. He also held a series of bilateral meetings with Member States in Geneva and New York. In addition, he had exchanges with the Assistant Secretary-General for Human Rights and the Director of the Electoral Assistance Division at the Department of Political Affairs in New York. The Independent Expert was pleased with the renewed interest in his mandate expressed by his various interlocutors, and the stimulating discussions held around the thematic priorities that he intends to pursue during his tenure.

8. During the reporting period, the Independent Expert took part in several events, including:

- (a) The 2018 conference of Networking European Citizenship Education, Marseille, France (6–8 September 2018);
- (b) The inaugural Global Citizen Forum, organized by Drake University, Des Moines, United States of America (6–8 March 2019);
- (c) The fifty-seventh International Affairs Symposium on culture and human rights, organized by the Lewis and Clark College, Portland, United States (8–12 April 2019);

⁵ The questionnaires and the responses received will be made available at www.ohchr.org/EN/Issues/IntOrder/Pages/GlobalGovernanceSpaces.aspx.

⁶ The Independent Expert acknowledges the good work of the International Accountability Project (<https://accountabilityproject.org>) and the Early Warning System (<https://ews.rightsindevelopment.org>) in documenting challenges around public participation in economic and financial decision-making processes at the local level.

(d) The International Conference on “National, regional and international mechanisms to combat impunity and ensure accountability under international law”, organized by the National Human Rights Committee of Qatar, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the European Parliament, in Doha (14 and 15 April 2019);

(e) The high-level regional Conference on Justice and Good Governance in the Great Lakes region, convened by the International Conference on the Great Lakes Region, the Office of the Special Envoy of the Secretary-General for the Great Lakes Region and OHCHR, Nairobi (13–15 May 2019);

(f) The twenty-sixth annual meeting of special procedure mandate holders, Geneva (16–21 June 2019);

(g) A consultation organized by the Geneva Academy of International Humanitarian Law and Human Rights and the Friedrich Ebert Foundation on the role of United Nations human rights mechanisms in the implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, Geneva (22 June 2019).

9. The Independent Expert issued 14 communications⁷ and five press releases jointly with fellow special procedure mandate holders.⁸ He intends to increasingly utilize these tools in the course of his mandate. The Independent Expert also issued two newsletters about the various activities undertaken in executing his mandate.⁹

III. Public participation and decision-making in global governance spaces

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

10. 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. For instance, 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.¹⁰ As such, agreements made by G20 members will undoubtedly affect how equitable the world becomes.

11. 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. 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.¹¹ It has also adopted, jointly

⁷ Available at <https://spcommreports.ohchr.org>.

⁸ The newsletters will be made available at www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=IE_Int_Order.

⁹ Available at www.ohchr.org/EN/Issues/IntOrder/Pages/Newsletters.aspx.

¹⁰ See the submission by Amnesty International.

¹¹ See the submission by Transparency International.

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.¹²

12. 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, home to some of the world's poorest countries.¹³ In another example, declarations by the Non-Aligned Movement have addressed issues such as the imposition of sanctions, foreign occupation and the territorial claims of other member States.¹⁴

13. Some groupings that have emerged – such as G77, the Non-Aligned Movement 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 table, these groupings have succeeded in putting their own substantive issues on the global agenda. G77, for example, has raised such issues as developing countries' sovereignty 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 includes job creation and social protection for communities.¹⁵ 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.¹⁶

14. At the same time, G77, the Non-Aligned Movement 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 G77 and the Non-Aligned Movement 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.

15. 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 mobilize resources to fill gaps in infrastructure development in countries of the global South.¹⁷ 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, commitment to doing so remains to be seen.¹⁸

16. Ministerial meetings, such as those hosted by G7 countries, are a unique opportunity for government ministers to share experiences in a semi-informal manner. During the Independent Expert's consultations, it was noted that these global forums can have a stabilizing effect on governance, since 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 where 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

¹² See www.oecd.org/tax/beps/beps-about.htm.

¹³ See the submission by Women 7; see also G7, “Joint Paris G7/G5 Sahel communiqué”, 4 July 2019.

¹⁴ See, for example, Non-Aligned Movement, final document of the seventeenth Summit Conference of Heads of State or Government of Non-Aligned Countries, 17 and 18 September 2016.

¹⁵ See South Centre, South Bulletin, No. 81 (25 July 2014), pp. 6–7.

¹⁶ See the submission by the Government of Ecuador.

¹⁷ See the submission by Conectas Direitos Humanos.

¹⁸ Ibid.

traditional intergovernmental forums due 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.

17. Impact on the international order is clear in cases where decisions taken in global governance forums are directly brought to meetings of traditional multilateral institutions like 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. G77, for example, largely operates as a caucus in which States formulate mutual positions that they jointly present as resolutions to the Human Rights Council and General Assembly. In other groupings, such as G20, 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 global governance groupings are spaces in which the 2030 Agenda for Sustainable Development – a product of the United Nations – is regularly discussed.

18. In contrast, however, there are also spaces – such as the World Economic Forum – that 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. In particular, they encourage leaders in Government, business, academia and civil society 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.

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

19. The global governance forums described in the present report have diverse configurations, goals and histories. The decision-making processes for each group are similarly varied. For example, G7, G20, BRICS and the Non-Aligned Movement are best known for hosting high-profile summits that bring together member countries' Heads of State or Government in rotating host countries. However, in the lead-up to these summits, meetings are also held between member States' finance ministers and other officials where a plurality of decisions are negotiated. Overall, for 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.

20. G77 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.¹⁹ While the G77 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 at the annual summit, the chapters decide by consensus resolutions to be submitted and actions to be taken within their respective international organizations. The Intergovernmental Group of Twenty-four on International Monetary Affairs and Development (G24), established by G77, 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.

¹⁹ 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.

21. Different still is the work of the World Economic Forum, which defines itself as an international organization facilitating public-private partnerships. Most famous for its annual meetings in Davos, Switzerland, the Forum also convenes 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 events. Unlike the other groupings, however, the Forum is not a prescriptive policymaking organization. Nevertheless, Forum gatherings have an ultimate effect on policy by providing platforms for discussion of global concerns, such as questions around technology, climate change and the future of work.

22. The case of the Bilderberg Meeting is quite unique. It is an invitation-only annual forum for informal discussions, attended by around 130 political leaders and experts from industry, finance, labour, academia and the media, with a view to fostering dialogue between Europe and North America. Issues discussed during previous editions 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”.²⁰ These are highly important and relevant worldwide issues discussed by a group of powerful people, with no information made available on the proceedings of the meetings, nor any coverage by the media.²¹

23. Modes of participation also differ according to group. For example, civil society participates in 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, groups of civil society 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.²²

24. 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 People’s Forum on BRICS.²³ Meetings of interested business representatives are held in parallel.

25. The Independent Expert is not aware of specific procedures or forums for civil society participation within G77 or the Non-Aligned Movement. However, this may be a consequence of their particular histories and functions. While both G77 and the Non-Aligned Movement 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.

²⁰ See www.bilderbergmeetings.org/press/press-release/press-release.

²¹ 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.

²² 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. 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.

²³ 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. Laura Trajber Waisbich, “Diverse voices: civil society at the 8th BRICS summit”, Sexuality Policy Watch, 9 December 2016.

C. Importance of ensuring effective public participation in global decision-making processes

26. Regardless of the structure and functioning of the global governance space, public participation is a core value 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

27. 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 where 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).²⁴

28. 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 they also apply at the international level, as stressed by previous special procedure mandate holders.²⁵

29. 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;²⁶ the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality, and for the realization of all human rights and fundamental freedoms;²⁷ 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.²⁸

30. As the Council pointed out, the 2030 Agenda, which has been endorsed by all United Nations Member States and therefore by member States of the aforementioned global governance spaces,²⁹ recognizes equal participation as a vital principle for achieving sustainable development, eradicating poverty and realizing all human rights.³⁰ 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

²⁴ 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.

²⁵ See, for instance, A/69/365 and A/72/350.

²⁶ Human Rights Council resolution 32/31, para. 10.

²⁷ Council resolution 33/22, preamble.

²⁸ Council resolution 32/31, preamble.

²⁹ For instance, G20 committed in 2016 to realizing the Sustainable Development Goals.

³⁰ Council resolution 33/22, preamble.

institutions at all levels. This Goal includes ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7).

31. In 2018, at the request of the Human Rights Council in its resolution 33/22 and following a wide global consultation process, 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 in practice, including in the context of participation at the international level.³¹ The Council – in its resolution 39/11, which was adopted by consensus – took note with interest of the guidelines and presented them as a set of orientations for States and other relevant stakeholders.³² The Independent Expert is of the opinion that these guidelines are fully relevant for the global governance spaces profiled in this report.

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

32. 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.

33. 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, and also civil society interlocutors who can contribute expertise in diverse areas to discussions.³³ As a result, policies made through participatory processes are likely to be more effective and sustainable because they have been vetted by affected populations and independent outsiders and experts.³⁴ 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 there are technical and would otherwise be inaccessible to the public.³⁵ 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 Governments' time and resources are used responsibly, for the benefit of all and resulting in the best possible outcomes.³⁶ Lastly, civil society participation captures the public's imagination, inspires action and can build momentum for pressing issues.

34. Several participants in the Independent Expert's consultations mentioned that the public and civil society are inherently suspicious of the global spaces, in which they believe that decisions are made 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 their constituents' best interests 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.

35. 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

³¹ See www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx.

³² Council resolution 39/11, preamble and para. 1.

³³ Respondents mentioned that civil society has 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.

³⁴ See the submissions by Amnesty International, Conectas Direitos Humanos and Transparency International.

³⁵ See the submission by Transparency International.

³⁶ See the submissions by Amnesty International, Samarthanam Trust and Transparency International.

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).

36. Likewise, 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.

D. Structural and practical obstacles to access, inclusivity and the ability to influence the decision-making processes of global governance spaces

1. Access

(a) Procedural and effective access

37. One of the main defining features of the functioning of global governance spaces such as G7, G20 and BRICS is the absence of a permanent secretariat. However, the semi-informality of the process, valued by member States first and foremost for its flexibility, constitutes a significant challenge for public participation, especially as the procedures for participation are left to the discretion of the country holding the presidency.

38. The Independent Expert was informed repeatedly that only a very small number of civil society actors actually knew the rules and procedures governing public participation in these spaces, let alone which official in their home countries to contact to get involved in the process. It is predominantly a relationship-based process, between civil society representatives and officials from relevant ministries in the member States of the global governance spaces who have existing good working relationships.³⁷ For other organizations that were able to participate, access came by chance as one of their partners guided them on how to navigate the process. Furthermore, since host countries are better connected with local civil society organizations, they may not conduct as much outreach to civil society in other relevant countries. Such an approach is not sustainable, nor conducive to meaningful participation by a wide and diverse range of civil society. The Independent Expert is aware that guidelines on participation in the Civil 20 engagement group are being formulated by its steering committee, an initiative that he welcomes.

39. In some groups, such as G20 and BRICS, access by civil society is also disputed, whereas the business sector is reportedly given greater prominence. As highlighted by several interlocutors, the privileged position of businesses in some of these spaces creates the perception that Governments are more beholden to corporations than to constituents.³⁸

40. During the Canadian G7 presidency in 2018, NGOs were granted access to the media centre during the leaders' summit, as a sign of openness and transparency. However, at the time of writing, civil society organizations had been informed that they would not be given such access during the G7 leaders' summit in France.³⁹

³⁷ See, for instance, the submission by Atsuko Miwa, Co-Chair, Civil 20 Japan 2019, and Director, Asia-Pacific Human Rights Information Center.

³⁸ See, for instance, the submission by Transparency International.

³⁹ See www.amnesty.org/download/Documents/IOR3005272019ENGLISH.PDF.

41. Regarding access to the permanent bodies of G77 and Non-Aligned Movement meetings, the Independent Expert was informed that public participation, including by civil society, in decision-making processes is not a fundamental principle and no policy or procedures are in place to allow such participation. In addition, there is no permanent structure for the continuous participation of civil society actors and the public in general in these groupings; however, such actors can be granted observatory status.⁴⁰

42. At the G24 level, civil society organizations are invited, during the annual technical group meetings – which are held at least a month before ministerial meetings – to present their views on the themes and topics of the meetings. For instance, in 2019, during the technical group meeting held in Lima, the G24 invited the Tax Justice Network to brief the Group on the issue of the inclusion of tax evasion and avoidance in the measurement of illicit financial flows. G24 ministerial meetings are attended by institutional observers, such as the South Centre, the United Nations Conference on Trade and Development and the Department of Economic and Social Affairs of the Secretariat, which have processes that incorporate the views of civil society organizations and which take the floor during the ministerial discussions.

43. Several interlocutors noted with concern the difficulty of gaining access to the annual meetings of the World Economic Forum, which is by invitation only. Nevertheless, many reported that the Forum had changed positively over the past decade, opening up to civil society's participation, and they praised in this regard the work of the Forum's civil society engagement team. It was noted that civil society was provided with relevant spaces during the Forum's events and that speaking roles were offered to civil society representatives. However, there was reportedly limited interest among the leaders present to engage with civil society.⁴¹ As for the Bilderberg Meeting, access is almost non-existent for the vast majority of civil society organizations.

44. The Independent Expert notes the good practice of IMF and the World Bank, both permanent guest invitees to G20 and regular invitees to G7, in establishing the Civil Society Policy Forum, a platform for civil society organizations to hold dialogue with the two organizations' staff, government delegations and other stakeholders on issues of mutual interest that are related to the organizations' work.⁴² OECD, another G20 permanent guest invitee, holds an annual forum during which various stakeholders, including civil society representatives, meet and discuss pressing issues, feeding into the OECD ministerial meeting.⁴³

45. In 2015, IMF developed guidelines on IMF staff engagement with civil society organizations, in which it recognized the benefits of transparent and wide engagement with civil society organizations.⁴⁴ At the global level, during its annual and spring meetings, consultative meetings were held between civil society organizations and executive directors within the framework of its annual and spring meetings, and civil society organizations are invited to participate in high-level sessions.

(b) Funding

46. Funding is another core issue that severely hampers public participation in global governance spaces. According to one member State representative, G7 relies on the good will of civil society organizations to fund their participation. The same is true of other global governance spaces, such as BRICS.⁴⁵ However, travelling to working group meetings and summits can be very costly for these organizations (the cost of airfare,

⁴⁰ See the submission by the Government of Senegal.

⁴¹ See the submission by Amnesty International.

⁴² IMF, "2015 guidelines on the IMF staff engagement with civil society organizations". Available at www.imf.org/external/np/exr/consult/2015/civilsociety/pdf/CSOs_Guidelines.pdf.

⁴³ See www.oecd.org/forum.

⁴⁴ Available at www.imf.org/external/np/exr/consult/2015/civilsociety/pdf/CSOs_Guidelines.pdf.

⁴⁵ See the submission by Amnesty International, citing to the following: Bandile Mdlalose and Lisa Thompson, "Are Brics civil society talkshops just ticking boxes and not making real 'jam'?", Mail & Guardian, 6 June 2019.

accommodation in often expensive locations and so on), especially those of small size or from the global South. Furthermore, external funding is reportedly scarce, which negatively affects the diversity of participants.⁴⁶ As a result, it is mostly a certain “elite” of civil society – highly professional organizations with funds – that is able to participate in those processes, largely excluding representatives from most underrepresented groups at the grass-roots level. A representative from a G20 youth group gave a particularly grim account of youth’s financial dependency. In addition, invitations to civil society participants and registration information are sometimes issued quite late, though the calendar of meetings is known in advance, resulting in increased cost of participation.⁴⁷ The Independent Expert notes the good practice of the World Bank in providing funds for civil society participation in its annual meetings.

47. As for IMF, the aforementioned meetings between civil society organizations and executive directors are attended by up to 700 organizations, the majority of which come from North America and Europe. IMF has therefore developed a fellowship programme for civil society organizations that are mainly from developing and emerging economies.⁴⁸

(c) Visas

48. The timely issuance of visas for participants, especially those from developing countries, has also been identified as a cause of concern. The situation is affected by delays in applying for visas, owing to uncertainty as to whether funding will be made available but also to the late issuance of invitations, in addition to the potential plain refusal to grant visas.⁴⁹ Another issue of concern is potential travel bans imposed on participants in their home countries.

(d) Access to information

49. One of the recurrent concerns that the Independent Expert heard was a lack of transparency with regard to access to information. Unlike G77, there is no permanent official website for G7 and G20 that provides easy access to information relevant to decision-making processes: every presidency establishes its own website, which is no longer updated once the presidency has ended. As a result, information is scattered across several different websites.⁵⁰ The same applies to BRICS.⁵¹

50. The Independent Expert is aware that the University of Toronto is the depository of all documents posted on the websites of the G20 presidencies. While this is a laudable initiative, he believes that it should be the responsibility of G20 to take on this task. He also notes the good practice of the German G20 presidency, which compiled all existing anti-corruption commitments into one location, and the Argentinian G20 presidency’s initiative to collate all the commitments on its presidency’s official website.⁵²

(e) Internet access and connectivity

51. Information and communications technology is increasingly used by engagement groups, such as Civil 20 and Women 20, to allow remote participation by the public with a view to discussing and developing policy recommendations. This is certainly a positive development, especially in light of the difficulties in securing funding for in-person participation and other travel-related issues. However, this limits remote public participation to individuals and organizations that can afford access to the Internet, often unlike grass-roots organizations, in particular from the global South. In addition, online

⁴⁶ See the submissions by Amnesty International, Conectas Direitos Humanos, Patrick Bond and Transparency International.

⁴⁷ See the submission by Transparency International.

⁴⁸ IMF, “2015 guidelines”.

⁴⁹ See the submissions by ActionAid, Amnesty International and Patrick Bond.

⁵⁰ See the submission by Transparency International.

⁵¹ At the time of writing, the information portal infoBRICS.org was not complete or up to date.

⁵² See the submission by Transparency International.

participation is reportedly relatively low, and people need to be aware of the existence of these online platforms in the first place.⁵³

(f) Language barriers

52. Another concern is the issue of language barriers. For instance, the working languages for the Civil 20 group are English and the language of the host country, which potentially excludes the participation of grass-roots organizations that do not use these languages.⁵⁴ Furthermore, it is expensive to translate documents that are available only in English and in the language of the host country.

2. Inclusivity

(a) Within decision-making processes

53. The country hosting an annual summit has considerable power since it decides on the composition of engagement groups and hence can recognize and support – or not – the participation of local and international civil society.⁵⁵

54. Women 7, the engagement group composed of civil society organizations from G7 countries and developing countries committed to the rights of women and girls, is a very dynamic group, which changes depending on which country is hosting the G7 summit. The current presidency, held by France, is reportedly very receptive. However, several members of the Women 7 have raised concerns as to whether their group will be allowed to operate under the 2020 G7 and G20 presidencies, to be held by the United States and by Saudi Arabia respectively. The Independent Expert believes that the contribution of Women 7 to the work of G7 is of paramount importance and should be continued and fostered. He notes with satisfaction that under the current French presidency of G7, youth feminist advocates outside of G7, especially from West Africa, have been invited to participate in high-level political meetings with G7 high-level diplomatic officials and ministers, and even the President of France. This is a most welcome development, which Women 7 had advocated extensively.⁵⁶

55. For Youth 20, the engagement group that advocates youth issues to be taken into account in G20 decisions, it is G20 member States that select the two youth delegates, reportedly because of a lack of formal structure among young people, a practice unique to youth engagement and which is set to change. Some youth representatives complained that those selected were most of the time children of diplomats, but the situation was changing progressively and the selection was becoming more objective, although selected participants were often highly educated and had international experience.⁵⁷ More generally, the Independent Expert notes that the barriers to participation faced by youth and children at the national level also extend to international forums. Youth and children are not able to legally create organizations, are often not taken seriously when conducting policy advocacy and lack financing to mobilize.

56. The International Trade Union Confederation, the main organizer of labour engagement groups at G7, G20 and BRICS, has asserted that it has enjoyed more space with G7 and G20 than with BRICS and G77. However, it stated that the engagement was purely consultative. It noted that the World Economic Forum was the most inclusive of labour in its processes.

57. Identifiable engagement by organizations of lesbian, gay, bisexual, transgender and intersex persons in global governance spaces was reportedly lacking, possibly owing, inter alia, to a lack of capacity among those organizations for meaningful engagement, a lack of

⁵³ See the submissions by ActionAid and Amnesty International.

⁵⁴ See the submission by Amnesty International.

⁵⁵ See Nancy Alexander and Heike Löschmann, “The solar system of G20: engagement groups”, Heinrich Böll Foundation, 9 December 2016. See also the submission by Transparency International.

⁵⁶ See the submission by Women 7.

⁵⁷ See the submission by Amnesty International.

entry points for engagement, a lack of awareness in global governance spaces of lesbian, gay, bisexual, transgender and intersex issues, and a lack of trust in these spaces.⁵⁸

58. Regarding the participation of indigenous peoples, a representative of an international NGO defending their rights stressed that what was needed was sustainable involvement of indigenous peoples in decision-making processes, in the exercise of their right to free, prior and informed consent and their right to self-determination. He mentioned the good practice of there being three representatives of indigenous peoples on the steering committee of the Tropical Forest Alliance 2020,⁵⁹ a global public-private partnership hosted by the World Economic Forum that aims to reduce tropical deforestation and in the framework of which indigenous peoples can reportedly engage with companies and Governments to help shape partnerships for sustainable forest solutions.⁶⁰ One of those three representatives has, on two occasions, participated as a panellist at the Forum's annual meeting in Davos, Switzerland.

59. For persons with disabilities, the barriers to participation faced in domestic settings also apply internationally. These include obstacles in the physical environment, inaccessible documents and meeting materials, stigmas and the experience of being overlooked by the powerful. This is despite the existence of international legal provisions obligating States to guarantee the participation and inclusion of persons with disabilities in decision-making processes that affect them.⁶¹

(b) Within engagement groups

60. The Independent Expert was informed by a number of interlocutors of a lack of diversity within some engagement groups, such as Civil 20, as there is reportedly no wide outreach undertaken to engage organizations outside existing formal or informal networks.⁶² The Independent Expert considers that it is the responsibility of large NGOs to inform smaller ones of opportunities to engage with the global governance spaces, while advising them on how to circumvent to the best extent possible the existing problems linked to participation. There are some notable exceptions, like the G7 Global Task Force, an informal grouping of 170 civil society organizations from across G7 countries and beyond advocating for progressive outcomes from the G7 summits. The Task Force, which operates with modest resources, undertakes important work by amplifying the voices of its members. Its work needs to be supported.

61. Another problem that was brought to the attention of the Independent Expert relates to the lack of independence of some civil society organizations in the participation process. There has been limited continuity about the way in which Civil 20 has functioned in different countries, and as a result the process has been at risk of being heavily controlled by the Government holding the presidency.⁶³ Host countries that exercise more control over civil society in their domestic contexts appear to attempt to do so when hosting the global governance forums too. For instance, during a previous G20 presidency, the secretariat of Civil 20 was reportedly staffed by a civil society group that reported to the high-level diplomatic officials of the host country. A similar situation occurred at the G7 level with a civil society representative working for the G7 presidency. In the framework of another G20 presidency, the Civil 20 Summit, convened by two local NGOs, was held without consultations with international civil society organizations, and the host Government reportedly did not allow many civil society groups within or outside the country to attend the summit.

62. It is understood that similar issues have occurred in the framework of Civil BRICS in those countries. Furthermore, in the context of the South African BRICS presidency in

⁵⁸ See the submission by the International Lesbian and Gay Association.

⁵⁹ See www.tfa2020.org/en/about-tfa/governance.

⁶⁰ According to Oumarou Ibrahim, Coordinator, Association des femmes peuples autochtones du Tchad (see www.tfa2020.org/en/press-release-tfa-2020-appoints-new-director).

⁶¹ See article 4 (3) of the Convention on the Rights of Persons with Disabilities.

⁶² See the submission by Amnesty International.

⁶³ *Ibid.*

2018, the space allocated to civil society was reportedly predominantly managed by NGOs on behalf of the Government.⁶⁴

3. Ability to influence decision-making processes

63. Most of the interlocutors from all the various engagement groups with whom the Independent Expert interacted either were unable to evaluate, or voiced overall scepticism about, the impact of their advocacy work on the decision-making processes of global governance spaces. Public participation was described as primarily tokenistic, deemed a box-ticking exercise, with no seat at the negotiation table.⁶⁵ Several civil society representatives stated that they felt as though they were secondary partners and believed that it was not worth investing their time in participating in the spaces. Overall, as pointed out in one submission, the obstacles faced by members of the engagement groups may stem from a lack of political will from host Governments, but also from a misconception among decision makers of the role of these groups and the added value of involving them in decision-making processes.⁶⁶

64. Members of the engagement groups reportedly have very limited space to shape the annual agendas of the global governance spaces – which is the prerogative of the country hosting the summit – unless their agenda is in line with the focus of the host country.⁶⁷ In order to be heard in principle by G20 member States, members of the engagement groups have to select topics that match the respective framework agendas. Furthermore, there is a lack of continuity from presidency to presidency, which reduces the scope for effective advocacy by civil society. The G20 Anti-Corruption Working Group reportedly does not share the agenda of its meeting with civil society invitees, which can speak only during a single short session out of the three two-day meetings per year.⁶⁸ Furthermore, ahead of that meeting, civil society representatives send their policy documents to the chair and co-chairs of the Working Group, requesting them to share them with all the G20 delegates in order to have a constructive exchange; however, on several occasions, the delegates reportedly received the documents only once the session with civil society had started.⁶⁹

65. Another issue of concern is the timing of the meetings of the engagement groups vis-à-vis the summits of the governance global spaces. It is important that civil society summits, where common positions and recommendations are formulated, should take place well ahead of the ministerial and leaders' summits in order for host Governments to be in a position to take account of these recommendations in the drafting of outcome documents, and therefore for civil society to have a substantive impact on the decision-making process.⁷⁰ In one instance, a Government holding the G20 presidency delayed official recognition of the Civil 20 steering committee, composed of several local non-government organizations, as well as the appointment of an official chair of Civil 20. As a consequence, the C20 summit could take place merely two months prior to the G20 summit.

66. There are, nevertheless, good practices that the Independent Expert believes are worth emulating. Women 7 reported that for the gender equality ministerial meeting during the French presidency in 2019, the G7 gender equality ministers themselves or their representatives attended the Women 7 Summit, which was being held on the margins of this ministerial meeting. The group was therefore able to share its recommendations directly with its target audience.⁷¹ When Germany held the presidencies of G7 and G20, the German

⁶⁴ Mdlalose and Thompson, "Are Brics civil society talkshops just ticking boxes and not making real 'jam'?" See also the submission by Patrick Bond and his reference to "co-optation of potential dissent".

⁶⁵ See, for instance, the submission by Patrick Bond.

⁶⁶ See the submission by Women 7.

⁶⁷ See the submission by Atsuko Miwa, Co-Chair, Civil 20 Japan 2019, and Director, Asia-Pacific Human Rights Information Center.

⁶⁸ See submission by Transparency International.

⁶⁹ Ibid.

⁷⁰ See the submission by Amnesty International.

⁷¹ See the submission by Women 7.

Chancellor reportedly attended Civil 7 and Civil 20 meetings.⁷² At the leaders' summit during the G7 Canadian presidency in 2018, the Government brought civil society to the table for the first time, including representatives of the G7 Gender Equality Advisory Council and of engagement groups.

67. Engagement groups have been able to have a positive impact on specific commitments made by some member States of the global governance spaces. For instance, in line with one of Women 7's key recommendations since its beginnings, the French Government declared that a specific fund would be created, using official development assistance, for associations defending the rights of women and girls in countries of the global South.⁷³ The Independent Expert looks forward to the creation of this fund. However, he regrets that despite Women 7's advocacy work, there was no reference to women's and girl's sexual and reproductive health and rights in a common declaration between G7 States at the gender equality ministerial meeting, owing to opposition by the Government of the United States.⁷⁴ Another positive example brought to the attention of the Independent Expert is the commitment by Canada of 3.8 billion Canadian dollars for girls' education, in particular for girls in conflict zones, after civil society organizations had identified that the issue needed to be addressed. During the 2018 Argentinian G20 presidency, youth representatives stated that they had good relationships with a number of working groups, including on education, employment and development. As a result, some youth issues were taken into consideration in the final communiqué. Similarly, two joint statements were issued by a number of engagement groups during this presidency, which reportedly influenced the G20 leaders' declaration and ministerial statements by elevating gender to the status of the fourth cross-cutting priority.⁷⁵

68. These successes, among others, epitomize the valuable contributions that civil society organizations make to the realization of the global governance spaces' outcomes, and therefore to a democratic and equitable international order.

E. Accountability for commitments made in the global governance spaces

69. The issue of public participation in global governance spaces, and the ability to influence their decision-making processes, cannot be seen in isolation from the key issue of the accountability of the member States for the commitments made within them. After each summit, member States issue a collective statement in which they make a series of commitments on various priority issues. While these commitments are declaratory or political in nature and as such not legally binding, member States of the global governance spaces should be accountable for the commitments that they make, with a view to achieving a democratic and equitable international order.

70. G7 and G20 have put in place self-appraisal mechanisms. In 2009, during the Italian presidency of what was then G8, the Accountability Working Group was established, whose task is to prepare every three years a comprehensive review of the Group's commitments, as well as progress reports on a specific theme every year. Similarly, in 2014, G20 adopted its Accountability Framework, which includes a comprehensive accountability report every three years of all ongoing commitments, and annual progress reports on existing and new commitments. OECD, the World Bank and IMF are the de facto monitoring mechanisms for the implementation of a series of financial and taxation commitments made by G20.

71. However, while acknowledging the willingness of G7 and G20 to devise accountability mechanisms, civil society representatives have repeatedly raised concerns about the inconsistent quality and lack of objectivity of these groups' accountability reports, which are often merely self-congratulatory and rely on national data, and the standards chosen in undertaking these reviews are reportedly not systematically disclosed. There is

⁷² See the submission by the German NGO Forum on Environment and Development.

⁷³ See the submission by Women 7.

⁷⁴ Ibid.

⁷⁵ See the submission by Amnesty International.

also reportedly a lack of continuity and consistency between the practices of each presidency in producing these reports.⁷⁶ Furthermore, civil society does not have the right to reply with respect to these accountability reports, or any follow-up discussion.

72. At the BRICS level, there is no institutionalized accountability mechanism. The country holding the presidency is reportedly in charge of following up on the commitments made when preparing the agenda for the summit. Independent initiatives, such as the University of Toronto and the BRICS Information Centre, to keep track of implementation through the communiqués are more of an exception. The World Economic Forum, for its part, relies on its constituents to document their own impact, which is a challenge since the Forum does not have the capacity to measure that impact.

73. Many civil society actors from different engagement groups voiced their frustration at what appeared to be mere political pronouncements, and the following illustrative example was brought to the attention of the Independent Expert. During the German G7 presidency in 2015, G7 committed to lifting 150 million people out of hunger and malnutrition by 2030. Despite repeated requests, civil society has not been informed how this commitment will be fulfilled, including how the 150 million people are identified and what benchmark the G7 member States will use to achieve the goal. Furthermore, civil society lacks funding to monitor the implementation of the commitments made. In this regard, the Independent Expert stresses that one of the fundamental contributions of civil society to a democratic and equitable international order, and to the promotion and protection of human rights in general, is its responsibility to hold Governments accountable. The capacity of civil society should therefore be adequately enhanced to fulfil this important task effectively.

74. The Independent Expert holds the view that, in order to increase leverage in ensuring implementation of the commitments made and ultimately ensure a democratic and equitable international order, the commitments could be linked to United Nations and regional human rights mechanisms, including the universal periodic review and special procedures. For instance, the commitments could be reflected in the work of special procedure mandate holders when preparing their thematic reports or in the context of their country visits, whenever relevant. In turn, this input could be reflected in the compilation of United Nations information and summary of stakeholders' submissions in the framework of the universal periodic review, and subsequently raised during the review of the State concerned.

IV. Conclusions and recommendations

75. 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.

76. 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 primarily depends 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.

77. 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 these

⁷⁶ See the submission by Transparency International.

spaces' decision-making processes. A democratic and equitable international order can be achieved only if global governance spaces consent to becoming, first and foremost, people-centred.

78. 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 General Assembly 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;
- (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.

79. 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.

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

81. 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.
