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country report

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Geneva Barometer

Developments in the Geneva-based international organizations between August to early November 2019

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At irregular intervals, the “Geneva Barometer” is having a closer look at selected developments in the Geneva-based international organizations.

In the last few months, there has been a particularly strong focus on human rights and trade issues in Geneva: difficult discussions took place both at the 42nd session of the UN Human Rights Council and at the WTO. By contrast, there was positive news to report regarding global health: record financing for the Global Fund amounting to \$14.02 billion has been secured for the next three years. It was noteworthy that the abuses in Venezuela were the focus in several international fora.

The Human Rights Council – an increasingly harsh climate?

Several quite controversial debates were put forward at the 42nd session of the UN Human Rights Council (9 - 27 September). A total of 37 resolutions were passed, including on Yemen, Myanmar, Venezuela, Burundi and Syria. The ‘Item’ on the agenda under which a country’s human rights situation is discussed is highly political and fiercely debated. As a result, Venezuela, for example, was the subject of two different resolutions. What is referred to as the “Lima Group”¹ criticized the South American country under “Item 4”, the harshest form of condemnation, and was able to get a fact-finding mission set up for the first time. An investigative commission was also promised. Considerable resistance formed in response to this. As a result, President Maduro’s efforts at cooperation

were underlined in a second resolution introduced by Iran under the less critical “Item 2”. Two resolutions were also passed with regard to Yemen, one of which extended the mandate of the UN group of experts for the country. In addition, the investigative commission in Burundi was extended and a mission with a broader mandate took over investigations in Myanmar.² The refusal of the affected governments to cooperate with the members of expert groups or investigative commissions was evident once again. In particular, the members of the Saudi-led coalition in Yemen, especially Saudi Arabia and Egypt, are worth mentioning here, but so are the governments of Myanmar and Venezuela. This comes in addition to the already increasing attacks on established norms and human rights instruments, something which not only threatens to impair the UN’s concrete work, but also the trust placed in the organization.

Further critical issues included that of climate change, something that Michelle Bachelet, the High Commissioner for Human Rights, depicted as a significant threat to the realization of human rights in her opening speech. She also criticized the violent reactions to protests in different countries (including Zimbabwe and Hong Kong) as well as the wave of arrests in Russia, Kazakhstan and Egypt. Bachelet criticized the migration policies of the USA, Mexico, Central American countries and the EU. She described the political developments

¹ The Lima Group is an alliance of 14 American states which was founded in the course of the crisis in Venezuela. The following countries belong to the alliance with the aim of re-establishing democracy in Venezuela: Argentina, Brazil, Chile, Costa Rica, Guatemala, Guyana,

Honduras, Canada, Colombia, Mexico, Panama, Paraguay, Peru and St. Lucia

² How each country voted can be seen on the following maps.

in Sudan and the opening of a new office for the High Commission in the country as positive.

Germany made its mark at the September session with two resolutions, one regarding the right to clean drinking water and sanitary provisions and another with respect to the right to privacy in the digital age, both of which were adopted by consensus.

As of January 2020, Germany will become a member of the Human Rights Council for three years after being elected to the 47-member strong Council as one of 14 new members on 17 October at the UN General Assembly in New York.³ There had been crucial votes in several country groupings, especially with regard to Venezuela's future membership. Even though countries such as China, Saudi Arabia and Egypt will no longer have a vote on the Council as of 2020, observers nevertheless assume that they will uphold their strong influence in the Council and will continue to be influential. The proportion of authoritarian, semi-authoritarian and democratically led states has remained roughly the same with the new distribution of seats.

An uncomfortable mood at the WTO as well

The last few months at the WTO have also been characterized by arduous discussions. Despite intensive mediation efforts, there is still no consensus on the reform of the "Appellate Body", which is important for dispute settlement in the WTO: for instance, New Zealand's ambassador to the WTO, David Walker, submitted a paper containing concrete recommendations for reform in October. The paper addresses the American criticisms of the Appellate Body extensively and demands, among other things, stricter compliance with deadlines for the publication of its judgements and a clearer delineation of its mandate.⁴ However, the paper does not go far enough for the USA. Given this stance, it would be a miracle if agreement is reached prior to 10 December. The departure of two more members of the Appellate

Body would mean it were no longer capable of acting.⁵ For the USA, a blockade of the Appellate Body is a means of exerting pressure to obtain wholesale reform of the WTO. As a result, Washington is demanding comprehensive reflection on the role of the WTO and the Appellate Body and not just the adjustment of certain regulations. A change of government in Washington would do little to alter the USA's basic criticism of the WTO's current operating principles.

The EU is sitting on the fence in this regard: while the EU's representatives certainly acknowledge some of the USA's concerns (especially China's practices that are irreconcilable with the spirit of the WTO), they do not approve the confrontational approach of the US government. How things will proceed after 11 December is uncertain. Observers emphasize that several months without a functioning Appellate Body would still be manageable, but it would be very difficult if it were absent for several years. For this reason, the EU is simultaneously trying to conclude interim appeal systems with other WTO members (most recently with Norway). Until now, however, this has only worked with partners with whom the disagreement would have remained within reasonable bounds anyway.

Things are proceeding less than smoothly in other dossiers too: the discussion about fisheries subsidies has come to a halt for political reasons. India, for example, blocked Brazil from taking over the chairmanship of the negotiation group after President Bolsonaro announced that his country would gradually abandon "special and differential treatment".⁶ Consequently, Brazil is no longer seen by India as an acceptable lead negotiator. Consensus on an alternative candidate could not be found for weeks. After intervention from the WTO's General Secretary, Roberto Azevedo, Colombia's representative at the WTO, Santiago Wills, was agreed on as a compromise candidate at the beginning of November. Nevertheless, it is unlikely that agreement will be reached on the fisheries package by the end of this year after this political exchange of blows. At the same time, negotiators are optimistic that it will be possible to report its successful conclusion in time for the

³ A rating as to how individual states "perform" with regard to human rights and cooperation with the High Commission can be viewed, among other things, at: <https://www.ishr.ch/news/hrc-elections-how-do-candidates-2020-rate>.

⁴ That refers to, among other things, the fact that the Appellate Body may not set any precedents, nor may it

voice its opinion on issues that were not submitted for questioning.

⁵ Cases which are currently ongoing would be excepted: they could still be overseen by members of the Appellate Body even after their departure from it.

⁶ "Special and differential treatment" excludes developing countries from the stricter trade rules that apply to industrialized nations.

WTO's Ministerial Conference in Kazakhstan in 2020 after around 20 years of negotiations. This would send an important signal: with the aid of binding regulations, the overfishing of the world's oceans could be addressed in a more ambitious manner. The WTO would also send a message that it is capable of providing answers to difficult questions despite the crisis over dispute resolution.

There are also obstacles to overcome in the discussions regarding electronic trade. For instance, several countries under the leadership of South Africa and India have temporarily blocked an extension to the 20-year moratorium on digital tariffs. By contrast, the discussions regarding the multilateral initiative for joint regulation of electronic trade between 80 states which include the EU, the USA, China, Brazil, Russia but not India or South Africa, are slowly moving ahead. The initial elements in this regard should have been put in place by the time of the Ministerial Conference in Kazakhstan in June 2020.

As expected, the WTO allowed the USA to take significant countermeasures in its decision published on 2 October regarding the export subsidies provided to Airbus, amounting to a total of around \$7.5 billion annually.⁷ Nonetheless, Brussels warned Washington against making full use of this right. The EU stated that such sanctions are counter-productive, would entail countermeasures, according to a statement from EU Trade Commissioner Malmström, and would ultimately only damage both sides. The background to this is the fact that the WTO's ruling regarding US subsidies for the very similar case of Boeing is expected in the early part of 2020. It can be assumed that the EU will also be granted the right to levy tariffs in the billions.

70 Years of the Geneva Conventions: Strengthening of international humanitarian law a key concern for Germany

The 12 August 2019 marked 70 years since the adoption of the Geneva Conventions. Thanks to its universal ratification by 196 signatory countries, it is hailed as a great diplomatic success. However, the Conventions are faced with numerous challenges today. Examples include the conflicts in

Syria, Yemen and South Sudan. The number of attacks on civilian infrastructure and medical and humanitarian personnel is increasing, not least because of the relocation of warfare to urban spaces. In addition, autonomous weapons systems and cyber-warfare are raising fundamental questions about the applicability of the Conventions.

In order to address the lack of respect towards the Conventions on the one hand, but also the further development of international humanitarian law on the other, Germany, in cooperation with France, has initiated what is being referred to as a "Humanitarian Call for Action". Germany has been advocating a strengthening of international humanitarian law in Geneva too, and, among other things, activities were carried out in cooperation with the International Committee for the Red Cross (ICRC), civil society and the French mission in Geneva. Such activities featured prominently as part of the opening day of the Geneva Peace Week recently.

The ICRC confirmed Robert Mardini as its new General Director on 31 October. He will take up the work of his predecessor, Yves Daccord, on 30 March 2020.

Low expectations at the discussions on Syria

At the end of October, the Constitutional Committee for Syria met in Geneva for the first time, at which both representatives and experts from the government, opposition and civil society sat at one table in the presence of a UN Special Envoy, the Norwegian Geir Pedersen. Seemingly, the Syrian government could only be cajoled into participating under considerable pressure from Russia. Observers expect that the Syrian government will use its participation in the Geneva discussions as a bargaining chip for concessions from the other players. Therefore, expectations of the committee are very modest: until now, the committee was primarily concerned with procedural questions. It has not been possible to discuss questions of real substance with regard to content. By contrast, Pedersen emphasized that the discussions were going better so far than had been expected, but

⁷ WTO 2 October 2019: https://www.wto.org/english/tratop_e/dispu_e/316arb_e.pdf. A summary of the most important aspects can be found here:

https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds316_e.htm#bkmk316arb

still dampened expectations.⁸ The next meeting is scheduled to take place on 25 November.

Global Health – An all-woman senior management trio at UNAIDS / Record financing for the Global Fund

On 17 July 2019, the World Health Organization proclaimed an “international health emergency of international concern” owing to the Ebola crisis in the Democratic Republic of Congo. A total of 3285 cases were reported, 2191 of which were fatal. The risk of the outbreak spreading to the national and regional level is still assessed as being very high, though the chance of its spreading to Europe is seen as very low.

Vaccination with the vaccine rVSV ZEBOV (Ervebo) constitutes a core element of the control measures. It was officially certified as a vaccine against Ebola in the EU in November 2019. The WHO gave the green light for its use a mere 48 hours later (“pre-qualification”). Based on this recommendation, UN agencies and Gavi, also known as the “Vaccine Alliance”, can now procure the vaccine for the affected countries.⁹ The vaccine’s effectiveness within the scope of this outbreak is estimated at being above 97%. Thus far, more than 250,000 people have been vaccinated in the regions affected. In the first instance, these included medical personnel, emergency personnel and persons in contact with sufferers. Nevertheless, a total of 163 health professionals have become infected so far.

On 14 August 2019, the General Secretary of the United Nations, António Guterres, named the Ugandan Winnie Byanyima as the new director of UNAIDS and UN-Under-Secretary-General. Together with the two Deputy Executive Directors Gunilla Carlsson (Sweden) and Shannon Hader (USA), she forms an all-woman senior management team within the UN system, something rarely seen.¹⁰

At its sixth replenishment conference in Lyon on 10 October 2019, the Global Fund, which has its headquarters in Geneva, achieved a record sum of \$14.02 billion for the next three years. This is the largest amount that has ever been raised for a multilateral health organization. Experts estimate that the funds will help to save 16 million lives. Besides the French president Emmanuel Macron, Bill Gates and Bono, Germany distinguished itself as the fourth largest public donor to the Global Fund through its enormous financial commitment: at the G7 summit in Biarritz, France, Germany pledged to give €1 billion for the coming three-year period (an increase of 17.6%).

Innovation

On 12 November, WIPO (the World Intellectual Property Organization) presented a report on the worldwide development of intellectual property.¹¹ Innovations are increasingly the result of international cooperation. While the amount of innovations emanating from outside of Europe, the USA and Japan is growing, these are concentrated within a relatively small number of metropolitan regions. Across the globe, around 30 metropolitan regions are responsible for 69% of all patents and approximately half of all scientific activity. Most of them are located in the USA, China, Germany, Japan and the Republic of Korea.

ILO – Implementation of the May resolutions / Venezuela criticized

The ILO Governing Body met in Geneva from 24 October to 7 November¹²: The meeting focused on steps towards the implementation of the ‘Centenary Declaration’ regarding the future of work that had been adopted in May, as well as resolutions against violence and harassment in the workplace. It was noteworthy that a working group tasked with reforming the management structure in the ILO was appointed in order to establish fair representation for all of the regions.

⁸ https://www.swissinfo.ch/eng/constitutional-committee_un-envoy-says-first-round-of-syrian-constitution-talks-went-well/45356324

⁹Statement from the WHO on 12 November: <https://www.who.int/news-room/detail/12-11-2019-who-prequalifies-ebola-vaccine-paving-the-way-for-its-use-in-high-risk-countries>

¹⁰ UNAIDS, the United Nations’ joint HIV/AIDS programme, brings together the efforts of 11 UN organizations - UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank -

and is working together closely with global and national partners in order to bring the AIDS epidemic to an end by 2030.

¹¹ World Intellectual Property Report 2019 – Local Hotspots, Global Networks: Innovative Activity Is Increasingly Collaborative and International, Geneva, 12 November 2019: https://www.wipo.int/press-room/en/articles/2019/article_0013.html

¹² A summary can be found here:

https://www.ilo.org/global/about-the-ilo/news-room/news/WCMS_727335/lang-en/index.htm

The sub-Saharan countries in Africa have been consistently critical of the fact that not one of them has a permanent seat on the administrative board. Germany, which does have a permanent seat itself, has taken on an intermediary role in the debate.

On 3 October, the Commission of Inquiry published its report on Venezuela: contained within the text was a demand for a cessation to violence, intimidation and persecution carried out against workers' organizations and employer organizations that are critical of the government. The action was filed by 33 employer representatives in 2015.

Commentary - Trust an increasingly rare commodity

"Trust Matters" - such is the title of this year's Geneva Peace Talks. They are due to take place on 21 September to celebrate the occasion of the International Day of Peace. Trust remains the foundation of peace; it is also the bond that it is indispensable as part of solutions to global challenges. At the same time, the last few months have shown that trust, at least in some subject areas, is becoming an increasingly rare commodity. This can be seen in the Human Rights Council, for example, when dealing with the Special Rapporteurs, but also in how expert groups are treated by the countries concerned. Discussions in the WTO are also becoming more conflictual.

The argument about the chairmanship in the case of the fisheries negotiations, something which seems very strange to onlookers, is an example of this. Observers are concerned to see that a zero-sum mentality is increasingly taking hold in numerous member states. Hardly any WTO members (some observers suggest the EU is an exception in this regard) are still prepared to invest in global public goods. Against this backdrop, it is hardly surprising that the WTO's debate on reform is hardly moving forwards.

Overall, it can be seen in the WTO currently how difficult it is to make decisions as part of a consensus which includes all member states. This has also become more difficult in the WTO because it now encompasses countries with completely divergent economic systems, the result of China's accession to the organization. The crisis in the WTO also shows, perhaps, that an organization that is purely "member-driven" will always have strictures placed upon it, not least because of these differences. Consequently, for a WTO of the future that is better capable of taking action, a stronger role for the WTO's Secretariat might be worth considering.

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