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# country report

Multilateral Dialogue Geneva



## Geneva Barometer

### Developments in the Geneva-based International Organisations May 2021 to mid-July 2021

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The "Geneva Barometer" takes an occasional look at selected developments in the international organisations based in Geneva.

The issues surrounding vaccine distribution and the search for answers to the health, economic, social, human rights and humanitarian consequences of the pandemic continue to dominate the agenda in Geneva. There is little prospect for agreement in the discussion about a possible suspension of patent protection for vaccines and drugs in the fight against COVID-19 ("TRIPS waiver") between its supporters and its opponents. Accordingly, efforts are being made in the WHO and WTO to take more pragmatic steps to ensure fairer vaccine supplies. Despite the hands-on and dynamic approach taken by the new Director General, progress in the WTO will only be able to be achieved after a tough struggle, as the negotiations on the dismantling of fisheries subsidies show. In the UN Human Rights Council, the fight against structural racism and the situation in Tigray were on the agenda. Controversial discussions regarding many texts led to the session being extended by a full day.

#### WHO – German ministerial visit sends a signal

At the meeting of the World Health Assembly at the end of May<sup>1</sup>, the potential lessons from the pandemic for global health cooperation were discussed. The development of a possible new framework convention (the "pandemic treaty") was dis-

cussed as a central topic. Due to divergent positions taken by the member states, the WHA decided to examine the added value and possible content of such a treaty at a special meeting from 29 November to 1 December. Discussions took place at an expert level on 15/16 July in Geneva. The proponents of a pandemic treaty, especially Germany, are convinced that after the experience with COVID-19 the existing instruments need to be supplemented. More binding rules and specific obligations on the part of the member states are needed, as Federal Health Minister Jens Spahn made clear during his visit to Geneva on 15 July<sup>2</sup>.

The constant issue at the WHO is the question of a fairer distribution of vaccines — the massive increase in cases in Africa in recent weeks has made this issue even more urgent. The heads of the WHO and WTO, experts and numerous representatives of member states, among others, warned that the efforts made so far were insufficient and that the risk of further virus mutations was increasing. At his meeting with WHO Director General Tedros, Jens Spahn signed a treaty according to which Germany, in addition to the 2.2 billion donated so far, will provide a further 260 million euros for the ACT Accelerator, the most important instrument in the fight against COVID-19<sup>3</sup>. In addition, Spahn announced the provision of 30 million doses of vaccine, 80% of which would be distributed through the COVAX mechanism. With this, Germany sent an important signal of support for

<sup>1</sup> A comprehensive report is available [here](#).

<sup>2</sup> You can watch the event with the minister [here](#), while a detailed report can be found [here](#).

<sup>3</sup> <https://www.who.int/news/item/16-07-2021-germany-reinforces-its-commitment-to-support-who-s-work>

multilateral initiatives to combat the pandemic and hopes that this will encourage other states to increase their contribution. There has been criticism of the COVAX mechanism in recent weeks, among other things because of a lack of transparency regarding the criteria under which the vaccine doses are distributed. The mechanism is still lagging behind its (rather ambitious) targets, which experts also see as a result of the numerous (more lucrative) bilateral agreements between member states. That said, reports of financial injections or vaccine donations from other countries for the mechanism are increasing

On the occasion of the visit, the highly controversial question of the origin of the virus was also on the agenda. On 15 July Dr Tedros made it clear that China has not provided all of the data after the first mission to Wuhan. The WHO is, therefore, planning further investigations in Wuhan and still does not wish to rule out the hypothesis of a laboratory accident. During his visit to the WHO, Minister Spahn also made it clear several times that Germany expected more cooperation from China. China reacted with alarm to this announcement and refused to accept another mission. China's representatives in Geneva published a statement, supported by 47 other countries, lamenting the alleged politicisation of the search for the origin of the virus<sup>4</sup>. China's position is supported by the "usual suspects" (Russia, Belarus, Sri Lanka, Pakistan, Cuba, Venezuela, Cameroon, etc.).

## WTO – First disappointments for the new leadership

Global access to vaccines is an ongoing issue not only in the WHO, but also in the WTO in these months.

### No consensus on the TRIPS waiver

The main focus was on the suspension of patent protection for vaccines and drugs to treat COVID-19, the so-called "TRIPS waiver". In October 2020 India and South Africa submitted a very far-reaching proposal for a TRIPS waiver, which more than 60 countries had officially joined. To the surprise

of many observers, the US changed its original negative position in early May and came out in favour of starting a text-based discussion of the proposal. The news hit international Geneva like a bomb and, once again, increased the pressure on opponents to a waiver, including the EU, the United Kingdom, Switzerland, Japan and Australia, to give up their negative stance. However, these countries still doubt that a waiver would deliver the much-needed vaccine doses. It has been pointed out repeatedly that there is, above all, a lack of suitable production capacities and that export restrictions, bureaucratic hurdles and the associated interruptions in supply chains would represent a much greater obstacle. In addition, voluntary licensing (including by AstraZeneca and Johnson & Johnson) has already taken place repeatedly and talks about strengthening local production capacities have also shown initial results.<sup>5</sup> A wide range of questions split the members: While India and South Africa also advocate for a broad exemption for "health products and technologies for the prevention, treatment and containment of COVID-19" in their proposal, which was revised in May 2021, the US would like to limit this to vaccines only. The duration of a possible exemption is also the subject of discussion. Critics are expressing concerns that the proposal from South Africa and India would de facto ensure the abolition of patent rights for an unlimited period of time and do not consider the proposal, which has barely been changed, to be an appropriate basis for negotiations<sup>6</sup>. This has also contributed to the fact that an alternative proposal by the EU is now being discussed in the TRIPS Council, which focuses on the use of existing mechanisms within the TRIPS agreement that would facilitate the voluntary licensing of products/treatments, instead of completely abolishing patent protection. This "pragmatic" approach has also been well received in other countries, such as the USA, Norway, the United Kingdom, Mexico, Chile and Singapore. Overall, the opposing positions on fundamental issues (practical implementation, extension to trade secrets) are still miles apart. For that reason, at a meeting of the TRIPS Council on 20 July negotiators asked for more time — that is, for the meeting

<sup>4</sup> More information is available [here](#) and [here](#).

<sup>5</sup> On 21 July 2021 Pfizer/BioNTech announced a deal with the Cape Town-based company Biovac, which provides

for the production of 100 million doses per year for African Union countries from 2022 onwards.

<sup>6</sup> A detailed analysis can be found [here](#).

of the General Council of the WTO on 28/29 July, when the topic should be on the agenda. In view of this stalemate, discussions on alternative pragmatic solutions are continuing within the WTO framework: In the run-up to a meeting between the heads of WHO and the WTO on 21 July, the latter published a list<sup>7</sup> of obstacles and bottlenecks (including those of a bureaucratic and regulatory nature) that would jeopardise vaccine production and distribution.

### **(Some) movement in discussions on the dismantling of fisheries subsidies**

It appears, in any case, that fisheries talks that have been going on for years now have (finally) achieved a certain dynamic. The negotiations aim to eliminate subsidies for illegal, unreported and unregulated fishing and ban subsidies that contribute to overcapacity and the resulting overfishing. These talks should have actually been concluded by 2020, but the positions on key issues were too far apart. An agreement is more than urgent, not least from a sustainability point of view (due to threatened overfishing of the world's oceans). Research results show that a far-reaching ban on all harmful fishing subsidies could lead to an increase in fish biomass of 12.5% by 2050. In addition, it is important for the WTO to finally achieve success in negotiations again after a long standstill. The new Director General, Ngozi Okonjo-Iweala, had therefore made the conclusion of the fisheries agreement — which is still considered a relatively promising dossier — a top priority and called a virtual ministerial meeting for 15 July. In the run-up to the meeting, the Colombian ambassador, Santiago Wills, who chaired the talks, circulated a new draft text. If Okonjo-Iweala had originally hoped to reach an agreement, she had to curb her expectations noticeably before the meeting: Ultimately, she rated it as a success that they had agreed on a common textual basis for the first time in 20 years. However, there are over 80 (!) passages still to be clarified in this document. Country representatives were, accordingly, more

cautious. Ambassador Wills spoke of the "ingredients for a successful deal" that are now available. The USA made it clear that, from their point of view, some essential elements are still missing. The question of the extent to which developing countries should benefit from exceptions through "differentiated special treatment" is particularly controversial. The USA and the EU want an agreement that is as far-reaching as possible, while India rejects one in view of its efforts to build up its own fishing industry. China has indicated a willingness to compromise, but is against mentioning the problem of forced labour in the text. Observers see it as a good sign that the member states seem equally dissatisfied with the current draft. The chances of a successful outcome to the talks before the ministerial conference at the end of November have increased. However, this is not certain.

## **Human Rights Council**

### **Special session on the Israel-Gaza conflict establishes a new commission of inquiry**

In view of the most significant escalation of hostilities between Israel and Gaza since 2014, the UN Human Rights Council met for its 30th special session on 27 May at the request of Pakistan and Palestine,<sup>8</sup> which was supported by a total of 69 states. It was decided to set up a new independent international commission of inquiry, which is to investigate, in the occupied Palestinian territory, including East Jerusalem, and in Israel, all alleged violations and abuses of international human rights law leading up and since 13 April 2021, as well as their underlying root causes<sup>9</sup>. It passed with 24 votes in favour, 9 against and 14 abstentions<sup>10</sup>. The opponents criticised, among other things, the lack of mention of Hamas and the unusually broad and ongoing mandate, which is unprecedented even among similar bodies.

<sup>7</sup> The list can be found [here](#).

<sup>8</sup> 22 Council members, including the Netherlands, supported the initiative, as well as Ireland, Belgium and Luxembourg as European states with observer status.

<sup>9</sup> The resolution A/HRC/RES/S-30/1, the voting and other background information is available [here](#) and [here](#).

<sup>10</sup> Germany, Austria and Bulgaria voted against it; Denmark, France, Italy, Poland and the Netherlands abstained.

### 15th anniversary at a time of severe setbacks for human rights

With this year's June meeting, the council celebrated its 15th anniversary. There is hardly any reason to celebrate in view of the "most wide-reaching and severe cascade of human rights setbacks in our lifetime" according to UN High Commissioner for Human Rights, Michelle Bachelet, not least because of the COVID-19 pandemic. With a view to the future, Bachelet promoted the idea of a new social contract introduced by the UN Secretary-General, supported by a new global pact<sup>11</sup>. A presidential statement urging states to respect their human rights obligations when implementing coronavirus measures did not reach a consensus – Russia withdrew its support. In return, 49 countries pledged to put human rights at the centre of their reconstruction efforts<sup>12</sup>.

A full year after the killing of George Floyd and the subsequent special session of the Council, this year's June session was dominated by the report of the High Commissioner on systemic racism. An international independent expert mechanism was set up in a consensus resolution<sup>13</sup>. The USA welcomed this step self-critically and issued a standing invitation to all UN experts who report and advise on thematic human rights issues<sup>14</sup>. Nevertheless, together with numerous European countries, they reminded us that the topic required a systematic response from all nations. The situation in the Ethiopian region of Tigray<sup>15</sup> was also in focus. The text introduced by the EU encountered massive headwinds. All African states voted against it or abstained, but it was ultimately adopted. Further resolutions concern the situation in Belarus, Syria, Myanmar and Eritrea.

Overall, the debates were noticeably more confrontational. For example, a new trend may be emerging in resolutions: previously consensual texts have now also been put to the vote. Above

all, China's criticism of a human rights-based approach to dealing with the Internet already points to future conflicts. Some resolutions have also been torpedoed by numerous amendments — a total of 51, more than ever before. As a result, the Council met for a full extra day, but ultimately rejected all amendments. A large number of joint statements were made as well: On behalf of 44 other countries, Canada criticised the human rights situation in Xinjiang, Tibet and Hong Kong and called for unhindered access for independent investigations and the High Commissioner (negotiations on this are ongoing since a year). This provoked a backlash: Belarus praised Beijing's policies on behalf of 67 other states and China criticised Canada on behalf of other states for its treatment of its indigenous populations and also called for independent investigations<sup>16</sup>. In a particularly striking action: Ukraine, initially a co-signatory to the Canadian statement, withdrew its signature, probably in the context of vaccine deliveries and corresponding political pressure from China. Ukraine is otherwise one of the global West's closest allies in votes. By contrast, the US, on behalf of 63 other states, underlined the special role of democracies in protecting and promoting all human rights<sup>17</sup>. In view of the recognition by the USA or Canada of their own human rights violations, corresponding accusations by China and Russia are losing their effect.

### New UNHCR annual report and high expectations of Germany

Despite global border closures in 2020 (more than 160 countries kept their borders closed and 99 provided no exceptions for those seeking international protection), the number of people fleeing rose to a new record high of 82.4 million people last year, according to UNHCR's annual report<sup>18</sup>. In view of this, the UN High Commissioner for Refugees, Filippo Grandi, once again underlined the

<sup>11</sup> You can find more information on the social contract [here](#) and on the global pact [here](#).

<sup>12</sup> The signatories to the so-called "Sustainable Recovery Pledge" can be found [here](#).

<sup>13</sup> The report is available [here](#), the resolution [here](#).

<sup>14</sup> This refers to the special procedures, which include special rapporteurs, independent experts and working groups. Find out more [here](#) and [here](#).

<sup>15</sup> In February, only one JST was made, see [here](#).

<sup>16</sup> The JST of Canada can be found [here](#), that of Belarus [here](#) and that of China on Canada [here](#).

<sup>17</sup> The Chinese JST on the UK can be found [here](#) and the JST of the US on democracies [here](#). The respective supporters are portrayed in the [Map for the Month July](#).

<sup>18</sup> The entire UNHCR annual report can be found [here](#), while a brief summary can be found [here](#).

priority of political solutions to long-lasting conflicts. He called on the EU and also, explicitly, Germany to expand their political commitment, not least with regard to the peace process in Afghanistan. Due to escalating violence, the UNHCR warns of an imminent humanitarian crisis. Several hundred thousand newly internally displaced persons have already been registered. At the same time, however, Grandi also expressly praised Germany's commitment in the Merkel era and expressed hopes that the engagement in the refugee and peace policy could even be expanded after the Bundestag elections.

## New head of OCHA facing massive challenges

The UN Special Envoy for Yemen, Briton Martin Griffith, officially succeeded Mark Lowcock as head of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in July. Until a successor is found for Yemen, he will handle both posts. As the third largest humanitarian donor and second most important donor to OCHA, the British government's cuts in international aid from 0.7% to 0.5% of gross national income, about €4.67 billion, had re-ignited discussions about the UK's historically justified claim to the post. Cuts of up to 50% are expected for Syria and up to 60% for Yemen. The cuts were sharply criticised by both Lowcock and Griffith. Griffith is highly respected in the humanitarian community and is considered crisis-tested. In view of the "hurricane of humanitarian crises" worldwide, as UN Deputy Secretary-General Amina Mohammed recently warned the Security Council, this is an indispensable qualification.

## Impact of the Geneva Summit

The extension of cross-border UN aid deliveries for around 3.4 million people in the Idlib region via the Syrian-Turkish border crossing Bab al-Hawa was regarded as the first stress test for dialogue between the USA and Russia in the aftermath of the Biden-Putin meeting on 16 June in Geneva. . This has been passed for the time being thanks to

Security Council Resolution 2585<sup>19</sup> of 9 July. Before the summit, US diplomats had seen the issue as a crucial test for bilateral relations between the two countries. However, only an absolute minimum consensus was reached. It combines the maintenance of cross-border aid with the expansion of cross-line aid. The mandate will initially be valid for six months and can be extended for a further six months, depending on a report by the UN Secretary-General. Among other things, this addressed the concerns of the Russian side. The US side had made numerous concessions.

Another outcome of the Geneva Summit was the decision to resume dialogue on strategic stability to strengthen predictability, reduce the risk of nuclear war and lay the foundations for future arms control and risk reduction measures. Initial talks are scheduled to begin in Geneva on 28 July and will include all types of weapons, i.e. nuclear and non-nuclear, offensive and defensive systems.

## Talks on elections in Libya have failed for the time being

Despite the extension of the talks from four to five days, the Libyan Political Dialogue Forum (LPDF), which met again in Geneva from 28 June to 2 July under UN auspices, was unable to agree on the constitutional basis for presidential and parliamentary elections scheduled for 24 December. Observers reported heated debates. Following the ceasefire and the formation of a unity government in March of this year, the elections are seen as an important step in international efforts to stabilise the country torn by civil war. The talks in Geneva were preceded by a Libya conference in Berlin at the end of June.

## 109th International Labour Conference

The 109th International Labour Conference (ILC) was held in Geneva from 7 to 19 June. For the first time in its history, the virtual ILC brought together government representatives, employees and employers from the member states of the ILO (International Labour Organisation). Focus of the conference: The impact of COVID-19 on the world of

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<sup>19</sup> Resolution S/RES/2585 (2021) can be found [here](#).



work. A total of 14 resolutions were adopted, including on the impact of COVID-19 on the world of work, the situation in Myanmar and improvements in social protection systems<sup>20</sup>. Delegates also unanimously adopted a global call to action<sup>21</sup> to avoid long-term damage to the economy and society. The agreement includes, among other things: Measures to support a recovery that significantly strengthens workers' and social protections and supports sustainable businesses.

Noteworthy was the entry into force of the first international treaty against violence and harassment in the world of work on 25 June — two years after its adoption. Countries are legally bound by the provisions of the convention one year after ratification<sup>22</sup>.

The ILC summit on the "World of Work" held on 17 and 18 June focused on the devastating effects of COVID-19. Leading heads of state from all over the world and representatives of workers' and employers' organisations, as well as the UN, including Pope Francis and US President Biden, emphasised in their statements the importance of promoting employment and decent work in a rapidly changing world of work.

Delegates also adopted an emergency resolution on Myanmar<sup>23</sup> calling for the restoration of democracy, a civilian government, an end to arbitrary arrests and human rights violations and the restoration of fundamental rights. The second part of the conference is scheduled to take place from 25 November to 11 December.

## ITU – Duel for the leadership

The main governing body of the International Telecommunication Union (ITU), the ITU Council, held its annual meeting from 8 to 18 June. A number of operational issues that have been postponed due to the pandemic were discussed, such as, for example, the organisation of the upcoming World Telecommunication Standardisation Assembly (WTSA) or the World Telecommunications Development Conference (WTDC). On the side-lines, the competition between the US and Russia for the

post of ITU Secretary General to be elected in 2022 is becoming increasingly clear. The US candidate Doreen Bogdan Martin is currently the ITU's director for the development sector. In June, Russia presented the programme of its official candidate Rashid Ismailov. The former deputy minister of the Russian Ministry of Telecommunications and Mass Communications and former telecommunications manager at Huawei sees the ITU as a central point for regulating the digital economy. He suggests, among other things, that the ITU should focus on working on standards and rules "in the field of information security in the field of telecommunications/information and communications technologies", which is a classical point of the Russian diplomacy. Artificial intelligence, both from a technical and ethical point of view, is identified by the Russian candidate as another field of activity. These ideas, even if presented very diplomatically, are clear red lines for the EU and other like-minded countries who have always advocated for the ITU to focus on its core mandate in the field of telecommunications. For Europe, the agency's value lies in ensuring global coordination of the radio spectrum and countering the global digital divide.

## Negotiations on UNCTAD15 progress slowly

The 15th four-yearly UNCTAD<sup>24</sup> Conference (UNCTAD15) will take place on-line from 3 to 8 October 2021. The event is intended to discuss the nexus of trade and development and provide orientations for their work over the next four years. The final document to be adopted is currently being negotiated in Geneva. The talks are progressing slowly and it is to be expected that they will not be concluded until shortly before the conference.

The G77 group and China are expected to endorse an extension of the orientations agreed at the last conference and add issues that have since gained in importance (e.g. debt, climate change, international taxation). The EU is likely to insist on organ-

<sup>20</sup> An overview of this can be found [here](#).

<sup>21</sup> The call is available [here](#).

<sup>22</sup> The convention recognises the right to a world of work free from violence and harassment. It also provides the first international definition of violence and

harassment in the world of work, including gender-based violence and harassment.

<sup>23</sup> ILC.109/Resolution II on Myanmar can be found [here](#).

<sup>24</sup> UNCTAD stands for the United Nations Conference on Trade and Development

isational issues, such as, for example, better prioritisation of work, the introduction of results-oriented management and a clear demarcation of the mandates of other international organisations.

Preparations for the conference are taking place in the context of a change of leadership. Rebeca Grynspan from Costa Rica was confirmed as the new Secretary-General on 11 June.

For the EU, as the main donor of development aid, UNCTAD is an important forum for communication with developing countries and a radar for sounding out the "political mood". In recent years, countries such as the USA, Japan or Canada have become less involved in UNCTAD's work. This makes the EU the central counterweight to some extreme voices, who would like to position the organisation as a competitor to other organisations, especially the WTO.

## Commentary and Outlook

The optimism that was revived after a long period of absence by the return of the USA to multilateral organisations and the agreement on a new Director-General of the WTO in the spring has not evaporated completely, but has largely given way to sober realism. The tough fisheries negotiations and the very emotional but inconclusive debates on the best strategy to promote vaccine supply show that the interests of important states (groups) in key dossiers are far apart from each other.

The session of the Human Rights Council makes it clear that authoritarian states are likely to intensify their efforts to weaken global human rights standards and their implementation. And the battle for the leadership of the ITU and its future direction in the coming years also promises to become heated.

The return of the US and its claim to leadership in various organisations is a very big win from a Western point of view, but there is also potential for friction in some instances. This applies, among other things, to the reform of global health cooperation: Germany and the EU are striving for the most ambitious pandemic treaty possible, while the US remains cool about the idea. In some places Germany's central role in the WHO, which was once again made clear during the visit of Health Minister Spahn, is viewed with suspicion. Again, Germany and the EU feel caught like they have been on the wrong foot by Washington's public support for the TRIPS waiver.

Remarkable (and frustrating from a German and European point of view) in this context is the virulence with which the EU and Germany are pilloried on the question of waivers of parts of the Geneva global health scene. For many of these actors, the months-long export restrictions of other countries (especially the USA), the crucial commitment of Germany and the EU to the ACT accelerator and COVAX, the contributions to a political and financial strengthening of the WHO and to an ambitious pandemic treaty seem to have been forgotten.

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