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country report

Multilateral Dialogue Geneva



Geneva Barometer

Developments in the Geneva-based International Organisations from mid-October 2021 to December 2021

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

As the end of the year drew in, the international community in Geneva anticipated two decisive conferences: the Special Session of the World Health Assembly (WHA) and the 12th Ministerial Conference of the World Trade Organization (WTO).

The WHA explored the possibility of a treaty to strengthen pandemic prevention. Here, the representatives of WHO Member States succeeded in agreeing on a common road and on the drafting of an agreement by 2024. However, the legal form and content of the agreement are still open.

Conversely, the WTO Ministerial Conference had to be cancelled last minute due to the emergence of a new COVID-19 variant and is now anticipated to take place in early March. It is still unclear whether this extra time will be a blessing or a curse. The Human Rights Council addressed the latest developments in Sudan and Ethiopia. As the annual report of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) also revealed, developments in the humanitarian field are a cause for concern.

Historic moment at the WHA - First steps towards a new instrument for pandemic preparedness

Background: In the second ever World Health Assembly (WHA) Special Session since 1948, which

took place from November 29 – December 1 this year, the 194 Member States of the World Health Organization (WHO) came together in a hybrid format to decide on a draft decision advancing the road towards an agreement on pandemic preparedness.

Chile first introduced the idea of a possible pandemic treaty in April 2020. In March 2021, 25 heads of state and government from around the world (including Germany and France), as well as the President of the European Council, supported this initiative in a joint declaration¹. WHO Director-General Tedros Adhanom Ghebreyesus is also a strong supporter of the idea. Initially this idea focused on the creation for an instrument which would help to create a better preparedness and improve international coordination, by approaching the challenges posed by pandemics from a multidimensional perspective, including not only health aspects but also humanitarian, economic, commercial, social, and environmental issues.

From the very beginning, this idea received a divided response among Member States: while more than 60 countries expressed support for such a binding pandemic treaty at the WHA in May, other countries expressed skepticism, calling instead for a revision of the International Health Regulations (IHR), which have been in place since 2005. The United States (U.S.) emerged as the

¹ You can find the joint letter [here](#)

main skeptic over the past few months; Washington's objection was not to the possible content of such an instrument, but to its form as a legally binding treaty. Another concern was the foreseeably long duration of the negotiations. Proponents, however, point out that a new treaty would, on the one hand, send a visible political signal and, on the other hand, it could also cover issues- due to a broader legal basis - that could go well beyond the existing IHR². Moreover, a reform of the IHR would by no means automatically be faster than the negotiation of a new set of treaties.

When the idea was presented at this year's WHA, a lack of consensus over the legal framework and scope led to the adoption of an alternative proposal. The assembly decided in May to install a working group chaired by the U.S. and Indonesia to deliberate on the benefits of a treaty or other instrument based on recommendations from COVID-19 response panels and committees and postponed the final decision-making to the Special Session at the end of November.

Results of the WHA Special Session

From a German perspective, the importance accorded to this meeting is evident not only from the fact that it was Jens Spahn to represent Germany, but also that Angela Merkel took the floor at the opening.

After contentious and political discussions over important passages in the lead up to the WHA, a draft decision supported by 114 Member States was presented on Sunday and adopted by consensus as of December 1. This decision provides for the establishment of an Intergovernmental Negotiating Body (INB) whose objective is "to draft and negotiate a WHO convention, agreement, or other international instrument on pandemic prevention, preparedness and response."³ For the legal basis the decision proposed either Article 19 or another provision of the WHO Constitution.

Once established, the new INB is scheduled to hold its first meeting by 1 March 2022 (to agree on ways of working and timelines) and its second by 1 August 2022 (to discuss progress on a working draft). By then, the controversial question of the legal basis also needs to be clarified. The negotiating body will then submit a progress report to the 76th World Health Assembly in 2023, with the aim of adopting the Instrument at the 77th WHA in May 2024³.

With 114 co-sponsors, the initial draft was remarkably broadly supported. The circle of supporters thus went beyond the core supporters of "Friends of the Pandemic Treaty" - such as the EU, Chile or South Africa - and also included more skeptical countries (USA, India, Brazil)⁴. The price for the additional signatures: the word "treaty" does not appear in the decision. The legal framework remains open-ended, and thus whether it will be a legally binding treaty or a weaker, legally non-binding agreement. From the point of view of the advocates of a pandemic treaty, nevertheless, the explicit mention of Article 19 of the WHO Constitution as a possible legal basis in the adopted decision is significant, since it provides the World Health Assembly with the authority to adopt conventions or agreements on any matter within WHO's competence.

In the run-up to the decision, the USA, Egypt, Brazil and India have reportedly favoured a language that is less prescriptive. Arguing, that the proposed inter-governmental negotiating body must first identify the content of the treaty before deciding the legal form. European and African countries in particular stressed the importance of a legally binding agreement.

Another controversial issue was the relationship to the International Health Regulations (IHR), which have been in place since 2005. Several countries questioned whether such an additional document would replace, compete with or merge with

² This [publication](#) by the Global Health Centre of the Graduate Institute in Geneva provides an overview of the purpose, advantages and disadvantages.

³ You can read the decision [here](#).

⁴ [Here](#) is the draft decision.

the existing International Health Regulations. Critics feared a with a re-shaping and strengthening of the existing IHR, a new pandemic treaty could be redundant and a cause for confusion. Singapore, Thailand, Zambia, and Colombia advocated for a strengthening of the IHR alongside a new pandemic instrument, while other countries (China, Brazil, Jamaica, Denmark, Russia, Malaysia) also emphasized the central role of the IHR during the special WHA meeting. Along these lines, Member States agreed to strengthen the IHR in parallel with the development of a potential new agreement.

Although this is only the first step toward a treaty, Dr. Tedros celebrated the decision as "historic," calling it a once-in-a-generation opportunity to strengthen the global health architecture in order to protect and promote the well-being of all people.

The devil is in the detail: Different expectations for the agreement

Despite the agreement to move forward with the drafting of an instrument, the Special Session showed that countries still have very different expectations on what such an agreement could include. These range from the introduction of clear criteria for declaring an international health emergency to mechanisms for an improved exchange of information on pathogens and genetic sequencing, to WHO access to outbreak source locations, equitable access to medicines, diagnostics and vaccines, intellectual property exemptions, and technology sharing provisions.

Sweden additionally cautioned that any new instrument should take into account AMR (anti-microbial resistance) threats, which could become even more crucial in the face of future pandemics.

Like other country representatives, Fiji advocated for greater consideration of the holistic "One Health" approach to future pandemics.

In the wake of Omicron: debate over vaccine equity and travel restrictions.

This WHA Special Session did not take place in a vacuum: national experiences with the pandemic and the measures taken by some countries to contain the Omicron variant coloured the expectations and priorities of each Member State concerning this agreement and guides their interventions.

While many Western countries emphasized the importance of early information exchange on emerging pathogens, many middle- and low-income countries see a pandemic treaty as an opportunity for a more equitable distribution of vaccines in the future. The lack of access to vaccines for low-income countries, particularly in Africa, was attributed by representatives of several developing countries primarily to deficiencies in COVAX mechanisms and, in their view, to barriers built up through copyright protection. Many countries as well as several NGOs used their allotted speaking time to advocate for a suspension of patent rights for vaccines and medicines and diagnostics ("TRIPS waiver") and call for guidelines for the distribution of medicines to be included in a new treaty, including direction on technology transfer and the development of local production capacities.

At the WHA Special Session, African countries also protested against the travel restrictions which were imposed on short notice and are, according to the WHO, unjustified, as a result of detecting and declaring the new COVID-19 variant, Omicron, Botswana, accordingly, urged that countries should create incentives for early reporting of cases rather than obstacles by imposing travel restrictions.

Sustainable financing of WHO

Closely related to the issue of improving pandemic prevention is the financial strengthening of the WHO. Experts have long warned of a growing gap between expectations towards WHO and its financial resources. One of the key problems is the low rate of fixed contributions from Member States in the WHO budget: currently, these only account for about 16%, the remaining funds being voluntary

contributions that are often strictly earmarked. As a result, some WHO programs - including the health emergency program - are chronically underfunded, and the high degree of earmarking makes it difficult for the WHO to respond quickly and with the necessary resources to crises. In addition, the agency needs to devote a great deal of energy to attracting funds from a wide variety of sources. Germany, in particular, spoke boldly at the WHA: Angela Merkel called for an increase in fixed contributions to 50% of the WHO budget.

Already since March, a working group set up for this purpose under German chairmanship has been carrying proposals for more sustainable funding for the WHO⁵.

A report is supposed to reach the WHO Executive Board in mid-December. The aim of the working group is to define essential functions of the WHO that require sustainable financing and to examine options for ensuring this. Currently under discussion is a gradual increase of the share of Member States' fixed contributions starting in 2024 to reach 50% of the WHO budget by the 2028/2029 budget cycle. Such an extended solution would address the concerns of many states, which point to constraints imposed by the financial consequences of the pandemic on national budgets. This would be accompanied by reforms to strengthen transparency, accountability, and efficiency at WHO.

Advancements in other initiatives for pandemic prevention

Four days before the start of the WHA Special Session, there was also movement on another tool to strengthen pandemic prevention. On November 25, 14 Member States expressed interest in piloting a Universal Health and Preparedness Review (UHPR) of each other's pandemic prevention capacities. Among others, the initiators Benin and the Central African Republic want to take part in

the pilot project, as well as Switzerland, France, the U.S. and Germany⁶.

Commentary

A consensus at the WHA Special Session was by no means certain beforehand. The decision to begin work on a new agreement, despite all the divergences, is rightly considered historic and sends an important political signal. Even if some long-time observers have doubts about how far-reaching such an instrument will ultimately be, the broad support of many Member States on is reason not to prematurely trade a "pandemic treaty" for a weaker instrument. Similarly, a new agreement offers the opportunity to complement the existing framework of the global health architecture with elements that go beyond the IHR.

Any instrument will not avoid also addressing issues of (lack of) distributive justice of vaccines and medicines. It is important to find pragmatic solutions (that are as binding as possible), while at the same time not getting caught up in ideological disputes over instruments such as the TRIPS waiver, whose added value is disputed and remains unacceptable to some of the Member States. Based on the latest developments, such an agreement should also include strong incentives for cooperative behavior, as South Africa demonstrated with its transparent handling of the Omicron variant.

Postponed Ministerial Conference – missed momentum or new opportunity for the WTO?

The long-awaited 12th Ministerial Conference (MC12) at the WTO was supposed to have taken place in Geneva from November 30 to December 3. Due to concerns about the new COVID-19 variant and a rise in incidences, it was cancelled on just four days beforehand and – if the WTO leadership has its way – is set to be rescheduled for the first week of coming March. This is already the second postponement of the Ministerial Conference,

⁵ [Here](#) you will find more information about the working group

⁶ Find more background on UHPR developments [here](#) and [here](#). You can find a picture of all interested parties in our map of the month.

the highest decision-making body of the World Trade Organization, caused by COVID-19. Around 4000 representatives from all over the world were expected in Geneva. The travel restrictions imposed by Switzerland with the interim introduction of quarantine obligations from certain countries will likely have played a role in the decision. In the aftermath of the cancellation, WTO Director-General Ngozi Okonjo-Iweala once again emphasized the importance of the personal presence of as many ministers as possible. It is precisely through these personal meetings at a high political level that the WTO hopes to achieve breakthroughs that could not be achieved in prior discussions at ambassadorial or technical level.

In the weeks leading up, the WTO Secretariat and delegates from the Member States prepared the conference with great intensity. There was enormous pressure to prepare the negotiations in key areas, such as rules against illegal and harmful fisheries subsidies or the fight against COVID-19, so that concrete decisions could be taken at the MC12. In the fisheries negotiations, agreement was reached on a draft text ready for submission after extraordinarily heated discussions. But even this draft is still far from a final version – an agreement at the Ministerial Conference was not certain.

In addition, it was difficult until the very end to assess what results could be expected in the “fight against COVID-19”. Although this was only one of several measures under discussion, much of the attention was focused on the TRIPS waiver. The talks had finally reached a dead end: South Africa, India and many countries allied with them continue to insist on a far-reaching suspension of patent rights for vaccines. The EU, the United Kingdom (U.K.) and Switzerland continue to oppose this move, pointing to the much greater importance of securing supply chains for the production of vaccines. A TRIPS waiver, however, was raised by some of its proponents (especially India)

to be the focus of the ministerial conference: according to observers, India even threatened to block all other potential outcomes at the conference. Despite some signals from the EU to compromise, a solution does not seem to be within reach at present. In view of the deadlock, the WTO has been trying to find pragmatic solutions for weeks: it has already held talks with pharmaceutical companies in various countries to promote the production and distribution of vaccine doses - even without suspending copyright.

Following the cancellation, the WTO Director-General announced February as a target, for both the fisheries talk as well as for the COVID-19 package. Observers believe that much greater pressure from the capitals will be necessary in order to have a chance of success on the latter dossier.

Plurilateral initiatives, i.e., initiatives in which only some of the WTO members are involved⁷, appear more dynamic than the multilateral discussions with all WTO members. Despite the cancellation of the ministerial conference, the parties involved announced an important success on December 2, when 67 WTO members agreed on common domestic services regulations, which is estimated to contribute to saving 150 billion euros in transaction costs annually.

Discussions continue at the working level. It remains to be seen whether more time will lead to results or whether this postponement has ultimately led to the missing of an important momentum.

Interestingly, the World Trade Organization is increasingly addressing sustainability issues. The discussions initiated last November on plastic pollution and green plastic trade, trade and sustainability, and fossil fuel subsidy reform are indicative of this trend. Members of these informal discussion groups had already planned a ministerial declaration for MC12 to consolidate the processes. In general, given the limited progress in multilateral

⁷ A total of 7 plurilateral initiatives are currently under discussion or completed, a detailed overview of which can be found [here](#).

discussions, there is increasing evidence that plurilateral initiatives are becoming the real engine for trade discussions in the WTO, much to the displeasure of India and South Africa, both of which are among the approximately 10% of WTO members that do not participate in any plurilateral initiative⁸.

Human Rights Council

32nd Special Session on Sudan

Until recently, the transformation process in Sudan was considered a success model by the UN Human Rights Council. At the 48th session, about 40 states welcomed the progress in the north-east African country, although NGOs had already called for increased monitoring. Only a few weeks later, at a special session convened in the wake of the military coup, the Council adopted a consensus resolution condemning "in the strongest possible terms" the "military takeover" and the suspension of the transitional institutions, as well as calling for the immediate restoration of the civilian-led transitional Government and the release of all arbitrarily and unlawfully detained persons, including Prime Minister Hamdok. The resolution paved the way for a one-year expert mandate, which was assumed by Adama Dieng, former UN Special Adviser on the Prevention of Genocide⁹. His mandate was questioned by Egypt in particular. Russia, Venezuela and China criticised the special session as "too hasty" and distanced themselves from the consensus. The 14-point power-sharing agreement, signed on 21 November, was immediately rejected by Sudan's main civilian representative body and again brought thousands of people onto the streets. Against this backdrop, the reporting of the Office of the High Commissioner for Human Rights (OHCHR) in Khartoum, which exists since

2020, and its field offices appear more important than ever.

Calls for Special Session on Tigray

More than a year into the Tigray conflict, OHCHR released the findings of a joint investigation with the Ethiopian Human Rights Commission in early November: all parties to the conflict have violated committed violations of international human rights, humanitarian and refugee law, some of which may amount to war crimes and crimes against humanity. The conflict has been marked by "extreme brutality". In addition, the report accuses all sides of blocking humanitarian aid. In light of these findings, it proposes the establishment of an international independent investigative mechanism. The UN Acting Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu also warned that the risk of further atrocities and even genocide "is real"¹⁰. Accordingly, the calls for a special session of the Human Rights Council on the situation in Tigray are getting louder¹¹.

New presidency in Human Rights Council

Argentine Ambassador, Federico Villegas will take over the presidency of the UN Human Rights Council from Nazhat Shameem Khan as of 1 January 2022. German Ambassador Dr Katharina Stasch, Libyan Tamim Baiou and Uzbek Ulugbek Lapasov were elected as Vice-Presidents. Another member of the five-member bureau from the group of Eastern European states is expected to be nominated in January. Looking back, Khan underlined the importance of smaller states in shaping global diplomacy. Villegas stressed, probably also in view of the new composition of the Council¹², that it will be a particular challenge to ensure that human rights are not held hostage to geopolitical tensions¹³.

⁸ Which countries participate in how many plurilateral initiatives can be viewed [here](#)

⁹ The call of NGOs can be found [here](#), the JST at the 48th session [here](#), the consensus resolution [here](#) and information on the appointment of Dieng [here](#).

¹⁰ Her public statements on Ethiopia can be found [here](#). The most recent report [here](#). Latest infos are also available [here](#).

¹¹ The report of the EHRC and OHCHR can be found [here](#), a summary [here](#). The call for a special session on the Tigray conflict by NGOs can be found [here](#). More information on the Special Session on Ethiopia can be found [here](#) and [here](#).

¹² The new composition of the Council is depicted [here](#).

¹³ Villegas' inaugural speech can be found [here](#). Shameem Khan's farewell speech [here](#).

Humanitarian Issues

Record high needs due to conflicts, climate change and the COVID-19 pandemic

A clear increase was already expected in the run-up to the official launch of the Global Humanitarian Overview (GHO) for 2022¹⁴: The Office for the Coordination of Humanitarian Affairs (OCHA) anticipates an increase of 17% to 274 million people in the coming year, twice as many as four years ago. In addition, 45 million people in 43 countries are at risk of famine. At present, the needs in Afghanistan¹⁵ and Ethiopia in particular are skyrocketing, but Syria, Yemen and Myanmar also remain at the top of the list. Accordingly, 41 billion US dollars will be needed in the future instead of 35 billion so far. This year the funding gap was wider than ever before¹⁶: only 46% of the amount required was covered in 2021. The causes: In addition to new and ongoing conflicts, political instability and poor governance or the impact of the COVID-19 pandemic, this year's focus was particularly on the impact of the climate crisis. In addition to concrete first steps, NGO representatives called for structural solutions at the highest political level. The first European Humanitarian Forum (EHF) which will take place from 24-26 January 2022¹⁷ in Brussels will provide a first opportunity to concretize these ideas.

First female president since founding of ICRC

Following 14 male incumbents at the head of the International Committee of the Red Cross (ICRC), Mirjana Spoljaric Egger will be the first female president to take over the top post from Peter Maurer beginning on 1 October 2022. The diplomat from German-speaking Switzerland has been Assistant Secretary-General, Assistant Administrator and Director of the Regional Bureau for Europe and the Commonwealth of Independent States at

the UN Development Programme (UNDP) since 2018.

IOM: Massive increase in internally displaced persons during pandemic

On its 70th anniversary, the International Organization for Migration (IOM) registered a dramatic increase in internal displacement in the first year of the pandemic. While the pandemic kept billions grounded and the number of air passengers dropped by 60%, the numbers grew by 28.5% to 40.5 million people in 2020 according to the new annual report¹⁸. Overall, it counts about 281 million migrants worldwide, representing 3.6% of the world's population; 60% of them were labour migrants. Europe is currently the most important destination with 87 million people, closely followed by Asia with 86 million. Most people come from high or upper-middle income countries, such as India, Mexico, Russia or China. Contrary to previous assumptions, international remittances from migrants to their home countries only decreased by about 2.4% (instead of 20%).

Internet Governance Forum

The Internet Governance Forum (IGF) 2021 took place in Katowice from December 6-10. The IGF was launched in 2006 as part of the International Telecommunication Union (ITU)-led World Summit on the Information Society to bring together stakeholders from politics, business, academia, and civil society. The secretariat of the IGF is subordinate to the Geneva Office of the United Nations. Following the cancellation of last year's forum due to the pandemic, some 8000 participants are expected to attend both online and on-site.

The Internet and its technologies have emerged as an indispensable tool, especially in the fight against COVID-19 and in the management of the pandemic situation. In the process, 800 million

¹⁴ An overview can be found [here](#) and the report [here](#).

¹⁵ The [UN High Commissioner for Refugees \(UNHCR\)](#) as well as the [World Food Programme \(WFP\)](#) are calling for urgent help in the face of the harsh winter months.

¹⁶ An overview of the so called "funding gap" can be found [here](#).

¹⁷ The entire speech of the EU can be found [here](#), more information on the EHF is available [here](#).

¹⁸ The IOM annual report is available for download [here](#), an interactive platform can be found [here](#); the IDMC report [here](#).

new users have been able to get online. But sovereignty concerns could cloud these developments, which is why this year's IGF was held under the motto "Internet United" to send a signal for an open, free, and undivided Internet. Other key topics included cross-cutting issues such as cybersecurity and the regulation of new technologies like artificial intelligence and quantum computing. An important signal was a joint workshop where YouthIGF representatives engaged in direct exchange with political and business representatives to make the voices of future generations heard. UN Secretary-General Antonio Guterres also announced the development of a digital pact for 2023. This is to formulate a joint strategy for achieving the relevant sustainability goals.

Outlook for 2022

2022 will be an important year for international Geneva. Discussions on instruments to strengthen pandemic prevention will show how great the political will is for a paradigm shift. The WTO Ministerial Conference will show whether there are still prospects of significant progress for multilateral solutions, or whether the WTO will become an umbrella for a multitude of coalitions of the willing. In the Human Rights Council with its new composition (all five UN security members will be on the Council), the tendency toward polarization could continue to increase and hold important discussions hostage. An important date will also be the election of the future Director-General of the ITU in the fall - the U.S. candidate and the Russian contender have very different visions of what the ITU's role should be in the future. 2022 will also show

whether the international community is ready to cover the growing humanitarian needs and to stop the increasing erosion of international humanitarian law and refugee protection. Germany and the EU can play an important role in all issues, for example as a supporter for the vision of an ambitious, binding pandemic treaty or by using the common EU weight for reforms in the WTO. Germany has a key role to play in the Human Rights Council as an advocate for freedom, democracy and against a reinterpretation of human rights. Finally, the EU and Germany remain central financiers in the humanitarian field. The EU can also provide impetus by introducing legislation on digital services and digital markets.

At the same time, we must warn against exaggerated expectations: a pandemic treaty will not be a panacea; especially the current challenges posed by COVID-19 require more short-term measures. Even in the event of a (far from certain) success at MC12, the road to a reform of the WTO will remain rocky. The success of the "Western" camp in the election for the post of ITU Director General will be of little use if the presence of Western actors (including industry and research) in the standardization bodies is not massively strengthened at the same time. In the Human Rights Council, even a coherent appearance of the liberal-democratic camp will not be able to prevent the well-known weaknesses (e.g. overproportionate focus on Israel, underfunding) and successes for the authoritarian camp. Even an increase in German and European financial commitments in the humanitarian sphere alone will not be enough to meet the actual needs.

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