

Town hall meeting between civil society and the United Nations Secretary-General António Guterres during the March 2018 Commission on the Status of Women sessions.

Credit: UN Women/Ryan Brown



PART 4

CIVIL SOCIETY AT THE INTERNATIONAL LEVEL

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The year saw a key success for civil society's international-level advocacy, with the adoption of the Escazú Agreement, a binding treaty in Latin America and the Caribbean that promises to protect the rights of environmental rights defenders and enable citizens to participate in environmental decision-making. Civil society was extensively involved in treaty negotiations, and instrumental in ensuring that the treaty contains strong provisions to protect the rights of human rights defenders. The essential work of human rights defenders also received the highest level of international recognition, with the award of the 2018 Nobel Peace Prize to Denis Mukwege and Nadia Murad, who both work to end wartime sexual violence.

Civil society engaged in many other global spaces to try to advance rights. Around the G20 meetings in Argentina and in processes to develop a new binding treaty on transnational corporations and human rights, civil society asserted alternatives to the failing globalised neoliberal economic order, urging fairer economic alternatives that address inequality, respect rights and enable action on climate change. Civil society continued to push for the Paris Agreement on climate change and the Sustainable Development Goals (SDGs) to be implemented fully and properly, in the face of climate change denial at the highest levels and an apparent downgrading of the inclusive, universal vision of the SDGs.

In the year of the 70th anniversary of the landmark Universal Declaration of Human Rights, civil society's engagement with the international human rights architecture of the United Nations (UN) continued, particularly with the UN Human Rights Council (UNHRC), which took action on some major human rights abuses – such as Myanmar, Palestine, Venezuela

and Yemen – while staying silent on others – including China, Libya, Saudi Arabia and Sudan. In comparison, the UN Security Council (UNSC) remained almost entirely deadlocked, torn between the conflicting interests and alliances of its powerful five permanent (P5) members, and once again badly failing the people of Syria in particular.

The election of a slate of rights-abusing states to the UNHRC – among them Bahrain, Eritrea and India – highlighted some of the challenges civil society faces when engaging with the international system. Regressive governments are weakening the international system in three key ways: by taking positions on key bodies and stifling them from within, as threatens to be the case with the UNHRC; by withdrawing – as the USA has done from a slew of bodies, and as the Philippines is doing from the International Criminal Court (ICC), in actions that often have the aim of avoiding international accountability for human rights abuses; and by pursuing unilateral and bilateral approaches that undercut multilateral agreements and ways of working, as can be seen in an escalating China-USA trade war. All of these, along with the increasing privileging of the private sector as a partner, particularly in the implementation of the SDGs, have the effect of degrading the ability of civil society to participate, advocate and hold states and other powerful forces to account at the international level.

These trends of weakening the international system are increasing with a surge of right-wing populism and associated political and economic nationalism, seen particularly across a swathe of European Union (EU) member states – challenging the EU's fundamental values – but also elsewhere, notably in Brazil. As a result, states are turning their back on multilateralism, asserting narrow notions of national sovereignty

– which often means presidential sovereignty, as opposed to broad and democratic concepts of sovereignty – and reinforcing walls and borders. The danger is that everything seems up for renegotiation, including long-established human rights norms once thought to be inviolable.

These tensions played out as the UN developed two new Global Compacts – on migration and refugees – with the migration Compact in particular being rejected by over 10 states on the grounds that it was incompatible with their harsh migration regimes and national sovereignty.

In 2018, an international system that had evolved over 70 years often looked creaky and inadequate as it came under a barrage of attacks by states, populist politicians and their supporters. The response of many in progressive, rights-oriented civil society was naturally to rush to the defence of a system, however imperfect, that propagates international human rights norms and offers an arena for civil society experiencing domestic repression to urge accountability and build international solidarity. But the time is surely right to join a conversation about what kind of democratic, accountable and citizen-focused international institutions civil society wants to see, and to work internationally to offer a democratic form of multilateralism as a viable alternative to the narrow national self-interests that are currently being strongly asserted.

SEVENTY YEARS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

2018 marked the **70th anniversary** of the Universal Declaration of Human Rights and the **20th anniversary** of the UN Declaration on Human Rights Defenders. The Universal Declaration of Human Rights was a breakthrough for humanity: in a shattered post-Second World War world, states came together to agree to recognise fundamental human rights as our common birthright and commit to never again allowing the appalling human rights violations that marked the War.

The anniversaries came at a time of widespread violations of human rights, committed by states and non-state groups, including criminal forces, businesses and anti-rights groups. And they came amid apparently growing discourse, from the leaders of states that repress human rights, that rejects the notion of the universality of human rights and the international human rights architecture and norms that have developed over the past 70 years. According to our **CIVICUS**



70th Anniversary celebrations of the Universal Declaration of Human Rights in Rome, Italy.

Credit: Franco Origlia/Getty Images

Monitor analysis, the fundamental human rights that enable civil society to exist and act – the freedoms of association, peaceful assembly and expression – are under serious attack in 111 countries, over half of all UN member states, and only four per cent of the world’s population live in countries where these rights are routinely respected. **Front Line Defenders** reports that in 2018, at least 321 human rights defenders were killed for their work, while **Reporters Without Borders** states that at least 83 journalists, citizen journalists and media workers were killed as a direct consequence of their work in 2018.

In the year of the landmark anniversaries of the two declarations, civil society worked both to recognise and celebrate achievements – including the development of the human rights architecture, which has seen the spread of essential norms and the establishment of an array of institutions, foundations and civil society organisations (CSOs) that support and engage with human rights defenders – and to emphasise the huge current gaps between agreements and norms on the one hand and restrictive practices on the other. Civil society continued to exert pressure on governments, businesses and multilateral institutions to recognise the work of human rights defenders and guarantee an enabling environment for them to carry out their legitimate activities without fear or intimidation. Amongst these efforts, CIVICUS led a **global campaign** highlighting the increasing threats faced by human rights defenders and making recommendations to international human rights bodies, endorsed by more than 900 CSOs across the world.

In October, eight international CSOs joined together to organise the **2018 Human Rights Defenders World Summit**. Convened in Paris, France, the event echoed the 1998 Human Rights Defenders Summit, which also met in Paris as the UN General Assembly adopted the Declaration on Human Rights Defenders.

Twenty years on from 1998’s milestone declaration, we asked UN Special Rapporteur on the situation of human rights defenders, **Michel Forst**, to

reflect on the key challenges and responses, and the role of CSOs in his mandate:¹

Human rights defenders around the world face multiple challenges but if I had to pick three of them I would say:

First, there is currently a general backlash against the idea of human rights in the world and countries are more and more turning their backs on justice and solidarity. Human rights defenders are not valued. Their work and role are not recognised, although they are the ones advancing democracy and the rule of law. I see in a growing number of countries campaigns of defamation and vilification of the work of human rights defenders.

Second, since the adoption in 1998 of the UN Declaration on Human Rights Defenders, the term ‘human rights defender’ has been increasingly used but too many people still don’t understand it or understand it as something negative while many defenders don’t identify themselves as such.

Third, often perpetrators of attacks are non-state actors that don’t necessarily speak the ‘human rights language’ or over whom states have not much power or willingness to act. In this context human rights defenders are increasingly attacked.

In response, we are running a mostly online campaign, #TogetherWeDefend, which seeks to change the narrative around human rights defenders. We want to show that the work done by human rights defenders is positive. They fight so human rights can be a reality for all of us!

We also want to show that they are ordinary people doing extraordinary things and explain that everyone can be a defender.

¹ All interviews quoted in this report are edited extracts. Full versions of interviews can be found on our website at <https://www.civicus.org/index.php/media-center/news/interviews>.

Human rights defenders are identified in the UN Declaration as anyone who is promoting and protecting human rights. This means that you might be already defending human rights by signing a petition, writing an article, raising your voice when you witness an injustice, participating in a protest, taking a solidarity action and so on. Human rights in a nutshell are the idea that everyone, no matter who they are, from where they come, what they believe, what they prefer and how they look, have rights and should be treated with respect and dignity. The moment you defend this, you become a human rights defender. You don't need to have a long trajectory behind you, to be part of an organisation or do it for a living; it's what you do that defines you as a defender.

CSOs have been fundamental for my mandate. We have tried jointly to organise consultations in several countries to listen to human rights defenders and to understand their needs in order to support their work in the best way we can. CSOs are also a key element for my mandate when they invite me to countries in which my mandate has not been officially invited. It gives me the opportunity to meet with defenders who don't or can't travel abroad, which also helps to increase the level of engagement of CSOs with the UN.

ENGAGING WITH THE UN HUMAN RIGHTS COUNCIL: SUCCESSSES AND CHALLENGES

Among the international human rights architecture that has developed, the UNHRC remains a key institution for civil society, which engages with the body to draw attention to egregious human rights abuses and makes

inputs into its Universal Periodic Review (UPR) mechanism, a unique process in which every UN member state has its human rights progress reviewed by its peers, with civil society participation, every 4.5 years.

In **Vietnam**, a country where human rights – notably the **freedom of expression** – are highly repressed and many civil society activists are in jail, the UPR process represents a rare opportunity for civil society to seek international attention for the daily challenges it experiences. Ahead of Vietnam's 2019 UPR review, we asked **Anna Nguyen** from **VOICE** to identify the opportunities and limitations involved in engagement with the UPR process:

*The human rights situation in Vietnam is dire. While the freedoms of association, peaceful assembly and expression are supposedly protected by the constitution, they are not respected in practice. In 2018, 88 human rights defenders were arrested, and at least 194 remain in **prison** for peacefully exercising their civil and political rights. This is a staggering number and surely shows that the government of Vietnam is doing as much as it can to stifle political dissent.*

The UPR process is open to all actors, not just states, which is why it is a great opportunity for civil society, and especially unregistered civil society groups, to get involved in the process by bringing in a perspective that is different from that of governments. It gives civil society an opportunity to highlight a state's human rights record, as well as to provide recommendations to improve it.

But while the Vietnamese government held national consultations during the UPR process, it did not include independent and unregistered groups such as VOICE. This has been a challenge, because we haven't had an open dialogue with the state.

In addition, reprisals are a big factor. Some human rights defenders who have been involved in the UPR process have faced

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difficulties upon returning home to Vietnam, including the confiscation of their passports and continuous surveillance and harassment. Reprisals are just another tactic that the government uses to stifle the growth of a civil society movement and punish civil society for peacefully raising its voice about the state’s failure to meet its human rights obligations.

Indeed, reprisals against civil society activists for interacting with UN human rights mechanisms are a growing concern. In an unprecedented move in September, the UN **listed** 38 states it described as engaging in the “shameful practice” of taking reprisals against and intimidating human rights defenders who cooperate with the UN, including through killings, torture and arrests. The list included two UNSC P5 members (*see below*) – China and Russia.

Notwithstanding this shameful intimidation, Anna sets out the hopes that Vietnamese civil society continues to place in the international human rights system:

We hope that UN member states in the UNHRC will listen to civil society and our recommendations, and that a diverse range of civil society’s human rights concerns, including the rights of women, young people and LGBTQI people, and civil and political rights, will be addressed by strong recommendations – by recommendations that are specific, measurable, achievable, realistic and time-bound. This will allow civil society groups and other stakeholders to monitor easily whether the government of Vietnam follows through with their implementation.

We would also like the government of Vietnam to have more dialogue with unregistered and independent groups, to ensure there is a balanced representation of civil society in national dialogues for future reviews. This would strengthen the impact of the UPR process and improve the integrity of the mechanism.

We would like the international community, including international civil society organisations, to keep up the pressure so the government of Vietnam follows through with the recommendations they have received, and to provide a platform for civil society groups and human rights defenders to raise awareness about the state’s progress or lack of progress in human rights.

In 2018, even when the circumstances were not particularly supportive, strong advocacy from civil society contributed to the UNHRC issuing resolutions on the appalling human rights violations underway in Palestine, Myanmar, Venezuela and Yemen.

From the end of March, protesters mobilised in Gaza, **Palestine** at its border with **Israel** to call for an easing of Israel's blockade which restricts the movement of people and goods. They were met with **deadly force** by Israeli soldiers who fired on civilians, including children and people with visible disabilities, as well as journalists wearing clearly visible identification. Evidence grew that Israeli troops were using snipers, **high-velocity** weapons and **live ammunition** against Gaza protesters, and deploying **tanks**. In April, a **video** showing a sniper shooting an unarmed Palestinian man who was merely approaching a fence and receiving cheers from his colleagues spread on social media to become a symbol of the repression.

The UN's human rights institutions did not stay silent in the face of these outrages. In April, six UN human rights experts **condemned** the use of firearms and live ammunition against unarmed protesters, and warned of potential ICC investigations. In May, 95 CSOs **joined together** to call on the UNHRC to launch a commission of inquiry, and the institution responded positively, **deciding** that same month to dispatch an independent international commission to **investigate** violations of international humanitarian and human rights law. In October, the UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Michael Lynk, **condemned** the use of lethal force against protesters who offered no credible threat against Israeli soldiers and the government of Israel's refusal to listen to international criticism.

Reporting in February 2019, the inquiry **found** that Israeli forces had killed 189 people and shot over 6,100 others between 30 March and the end of 2018, a clearly disproportionate response to protesters' violence, which consisted largely of petrol bombs and stones. The inquiry stated that there were reasonable grounds to believe that Israeli soldiers had targeted people who did not pose any threat, and suggested that the human rights violations were so severe that they may have amounted to war crimes or crimes against humanity. Israel's government immediately

rejected the report as hostile and biased, but without the UNHRC's intervention, the shocking statistics of Israeli repression might have remained under-exposed.

In September, the UNHRC passed a **resolution** calling for an independent mechanism to collect and analyse evidence of the serious human rights violations committed against **Myanmar's Rohingya** people and other minorities, in order to prepare files for prosecution in domestic, regional, or international courts. The resolution also extended the mandate of the existing independent international fact-finding mission until the new mechanism is operational and requested the UN High Commissioner for Human Rights to present a written report on the root causes of human rights violations in Myanmar. These moves offered some hope for the embattled Rohingya people, denied citizenship, with many forced into exile in **Bangladesh** and **India** by a surge of genocidal violence in 2017.

Also in September, the UNHRC passed its first-ever **resolution** on **Venezuela**, where a political and economic crisis fuelled a humanitarian crisis, with widespread and violent attacks on critics of the government, shortages of the most essential goods, such as food and medicines, and an exodus by disaffected citizens to other Latin American countries (*see Part 2*). The resolution urged the Venezuelan government to allow the entry of the humanitarian assistance that the government, against all evidence, claimed it did not need, and asked the UN High Commissioner for Human Rights to present a comprehensive report on the situation in Venezuela at the June 2019 session.

In its September session, the UNHRC also adopted a **resolution** to renew for another year the mandate of the Yemen Group of Eminent International and Regional Experts, created through a consensus resolution in 2017. The group examines human rights violations in the context of the continuing **war** being fought in **Yemen**, which by December was **estimated** to have left 60,000 people dead since January 2016, a figure that does not account for deaths through malnutrition

and starvation caused by the humanitarian crisis and famine created by the war: by the end of the year, the UN **estimated** that as many as 20 million people in Yemen were living in pre-famine conditions and as many as 250,000 were starving. The resolution was passed in the face of concerted attempts by the governments of **Saudi Arabia** and the **United Arab Emirates** (UAE), both active combatants in the war, to discontinue the Group's mandate.

But against this, several resolutions – notably on **Libya** and **Sudan** – failed, and various high-profile cases such as the murder of Saudi Arabian journalist **Jamal Khashoggi** and ongoing crackdowns on dissent in countries such as **Bahrain**, **China**, **Egypt** and **Turkey** (as covered in the other chapters of this report) escaped meaningful scrutiny for political reasons.

The UPR process itself seemed flawed when it was the turn of powerful state China to be assessed. During the preparatory phase for China's UPR, held in November, several CSOs made submissions on China's dismal human rights record. However, a number of CSOs that submitted contributions, including Hong Kong's **Demosisto**, the **Tibetan Centre for Human Rights and Democracy**, the **Unrepresented Nations and Peoples Organization** and the **Uyghur Human Rights Project**, found their submissions had been **removed** from the compiled document presented to UN member states to help them draft recommendations for China during its examination. These were later **restored** with an apology from the UN, but many in civil society remained suspicious about Chinese power and the potential for censorship.

WEAKENING THE INTERNATIONAL SYSTEM: UNDERMINING FROM WITHIN

The make-up of the UNHRC points to one of three key ways in which regressive governments and political leaders can be observed to be weakening the international system, examples of which could be seen during 2018: they are weakening institutions by undermining them as members, by withdrawing or threatening to withdraw, and by asserting unilateral or bilateral rather than multilateral ways of working.

In the case of the UNHRC, its membership threatens to diminish its ability to act. In October, the UN General Assembly elected or re-elected **18 states** to serve three year-terms from 2019, many of them human rights abusers. The UN's peak body for promoting and protecting human rights now includes 10 new members rated by the CIVICUS Monitor as having serious restrictions in the space for civil society – civic space. Civic space is rated as closed in two new members – **Bahrain** and **Eritrea** – repressed in three – **Bangladesh**, **Cameroon** and **Somalia** – and obstructed in five – **Burkina Faso**, **Fiji**, **India**, **the Philippines** and **Togo**. Even among the new members that are rated as having better civic space, there is **Italy**, which in 2018 was a notorious **abuser** of the rights of migrants and refugees, and the civil society that stands for their rights (*see Part 2*). These changes mean that, when combined with the member states continuing their terms, only 13 per cent of the Council's 47 members have open civic space, compared to 62 per cent that have serious civic space restrictions. On another rating, 30 per cent of the UNHRC's members are rated by **Freedom House** as not free, the highest level since the Council was created in 2006.



The UN Human Rights Council offers a vital space for civil society, but in 2018 came under pressure from repressive states.

Crédit: Eric Bridiers

Bahrain offers one example of how a state can systematically abuse human rights, be criticised by the international human rights system for doing so, and yet still take its seat on the Council. Its **crackdown** on dissent, brutally applied ever since **protests** for democracy began in 2011, has been **widespread**, and exercised through means such as jailing, torture, the denial of citizenship, travel bans and intimidation. In July, the UN Human Rights Committee, which monitors states' compliance with the International Covenant on Civil and Political Rights (ICCPR), expressed **grave concern** over the government of Bahrain's human rights record, including over its use of anti-terrorism laws to silence CSOs and human rights defenders. In August, the UN Working Group on Arbitrary Detention **ruled** that the continuing detention of human rights defender **Nabeel Rajab** contravenes the ICCPR and UN Declaration on Human Rights. And yet despite these judgements of the UN system and in the face of calls from civil society to exclude its candidacy, Bahrain, backed by the African, Caribbean and Pacific Group of States, was overwhelmingly elected, receiving 165 out of 192 possible votes.

The danger raised by the presence of so many rights-abusing states on the UNHRC is that proper scrutiny of states' human rights records will fall, it will become harder to obtain a vote for action and the credibility of the institution, painstakingly built up since the UNHRC replaced the thoroughly discredited UN Commission on Human Rights, will collapse. Human rights defenders will continue to look towards the UNHRC for support and civil society will continue engaging to try to influence it, but that work can only have been made harder following the choices made in October.

Another UN institution whose members increasingly place it in conflict with its mission is the Economic and Social Council's (ECOSOC) Non-Governmental Organisation (NGO) Committee, which functions as civil society's gatekeeper, determining which CSOs are granted ECOSOC consultative status, and therefore can participate in UN processes. The new member states **elected** to the Committee in April included six

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with closed civic space – **Bahrain** again, **Burundi**, **China**, **Cuba**, **Libya** and **Sudan** – six more with repressed civic space – **Mexico**, **Nicaragua**, **Pakistan**, **Russia**, **Swaziland/eSwatini** and **Turkey** – and four with obstructed civic space – **Brazil**, **India**, **Israel** and **Nigeria**. This means that of the Committee's 19 members, a staggering 84 per cent have serious civic space restrictions and only one – **Estonia** – has open civic space.

The Committee is increasingly made up of states that are repressing civil society at home, and particularly the progressive, rights-oriented civil society that tries to hold power to account and advocate for change. They can only be expected to reproduce their patterns of domestic behaviour in the international arena, in a **double democratic deficit** that stops CSOs taking their concerns to the international level and using international institutions to expose domestic abuses, something that has often been the last recourse for civil society that experiences repression at home. At the NGO Committee, states apply tactics such as implying that applicant CSOs have links with terrorist groups, or deferring making a decision on applications, causing CSOs to **commit** time and resources to lengthy follow-up processes for their applications. This can be seen in the case of the **International Dalit Solidarity Network**, which now has the **longest** pending application, on hold for almost 12 years. Dalit rights are a controversial issue under India's Hindu nationalist government (*see Part 2*), which has duly blocked progress on accreditation.

At the regional level, leaders of the states that make up the African Union moved to **restrict** the independence of the African Commission on Human and Peoples' Rights in 2018, tightening the procedures for CSOs to obtain observer status and requiring the Commission to obtain prior approval from a state before reporting violations committed by it. Africa's leaders are presumably embarrassed by the potential to have their poor human rights records exposed by an African body.

WEAKENING THE INTERNATIONAL SYSTEM: WITHDRAWAL

While states are using their power in international institutions to prevent them advancing their missions and blocking human rights progress, they are also weakening them by withdrawing. Withdrawal undermines the power of international institutions while seeking to remove repressive states from their scrutiny.

After announcing it was pulling out of the Paris Agreement and the UN Educational, Scientific and Cultural Organization (UNESCO) in 2017, in June the government of the USA stated that it was leaving the UNHRC, accusing it of bias against Israel. In September, the repressive government of NGO Committee member Burundi, having been the first member to leave the ICC in 2017 – in what seemed a clear attempt to evade accountability for its many human rights violations – also threatened to quit the UNHRC. This threat came after a UN Commission of Inquiry report concluded that the government and its supporters had committed crimes against humanity. In March, the government of the Philippines followed Burundi's lead when it issued official notification of its withdrawal from the ICC. Under the terms of the Rome Statute, the ICC treaty, its withdrawal will come into effect in March 2019.

Philippines' President Rodrigo Duterte has long positioned himself in opposition to international human rights institutions, which have criticised the widespread human rights abuses committed by his regime, particularly under his self-declared 'war on drugs', which has seen a campaign of extrajudicial killings and vigilante murders accounting for more than 12,000 deaths.

Withdrawal came in response to an announcement from the ICC prosecutor's office in February that it was opening preliminary investigations into possible crimes against humanity perpetrated under the 'war on drugs'. President Duterte accused the UN and the ICC of being involved in a crusade against him, and stated that the ICC was being used as "a political tool" against the Philippines. He insisted that the ICC lacked jurisdiction, threatened to arrest the ICC Prosecutor if she visited the country and urged other states to follow suit and withdraw, stating that the ICC was part of a guilt trip by "white idiots" wishing to atone for past wrongdoings in Africa and the Middle East.

The election of the Philippines to the UNHRC in September, even as it was in the process of pulling out of the ICC and after all its rejections of

international criticism, suggested a cynical approach to the international system, as well as pointing to the weakness of the international system itself. Cristina Palabay of the Karapatan Alliance for the Advancement of People's Rights assesses the current government's attitude towards international cooperation:

The Duterte government actively engages with international institutions or foreign states that support its policies and, in turn, benefits from such relations. It continues to have strong diplomatic relations with the USA, because of its continuing advisory and technical support and financial aid for the Philippines' military and police, and also due to US investments in the Philippines and in South East Asia, and with China, because of numerous onerous debt packages and projects.

In contrast, those who raise their concerns about the state's noncompliance with international human rights instruments and obligations, including UN experts, other states and international CSOs, are at the receiving end of the Duterte government's public admonitions. The Philippines' threat to withdraw from the ICC is among the various manifestations of such a position. All indications that withdrawal will take place are already out there: official notice has been given, a non-cooperative attitude is on display and ICC prosecutors have been threatened.

With President Duterte having asserted his impunity, the killings duly continued (see Part 1). Five media workers were killed in June and July alone, and peace activist Randy Felix Malayao was shot dead in January 2019. It was easy to see why President Duterte might want to escape international accountability.

The withdrawal of the Philippines from the ICC was not an isolated act. Other states, notably The Gambia and South Africa, have threatened to pull out in recent years, and other powerful states have attacked the institution. In an age of narrow, presidential sovereignty an institution

that has an international reach to prosecute vile crimes and where political leaders do not enjoy immunity is going to meet with opposition. The government of the USA, which, as Cristina notes, is a strong ally of the Philippines, has also consistently opposed the ICC and stepped up its hostility under the Trump administration; in September, US National Security Advisor John Bolton **stated** the ICC was illegitimate and expressed the wish to “let it die on its own,” and promised to “fight back” by imposing sanctions, and potentially by criminally prosecuting ICC officials, if the ICC opened an investigation into alleged war crimes committed by US military and intelligence staff in **Afghanistan**, or if it pursued any investigation into Israel or other close US allies.

Attacks on the ICC seem set to continue. So far, the states pulling out of the ICC and other multilateral institutions remain outliers, but the danger is that they set powerful examples that others may follow. Civil society will advocate towards governments to try to ensure that the domino effect is avoided.

WEAKENING THE INTERNATIONAL SYSTEM: THE RESURGENCE OF UNILATERALISM AND BILATERALISM

If states are sometimes pulling out of international institutions to escape scrutiny or score a political point, there is sometimes something bigger at play. Unilateral and bilateral approaches are seen by some leaders as innately superior to multilateral ways of working, and so are being asserted as alternatives. Rejecting the system that has evolved in the 70 years since the Universal Declaration of Human Rights, powerful states increasingly follow their own paths, not always by pulling out



Journalists and activists staged a protest to defend media freedom in the Philippines after the government ordered the closing of an independent online news site, Rappler.

Credit: Jes Aznar/Getty Images

of institutions, but often by simply ignoring multilateral agreements, rules and established norms. Right-wing populist leaders challenge the ‘globalism’ of the international system and blame it for the key issues on which they mobilise their support – insecurity, migration and livelihoods. They push instead for a world where states are free to pursue self-interest untrammelled by international agreements, and to strike bilateral deals – often with states helmed by politically similar leaders – as an alternative to multilateralism. The new breed of leaders, many of them coming from a business background, bring their style of personal rule into the international sphere. Instead of a rules-based, transparent and accountable international order in which all states are at least theoretically equal, they see a world in which strong men who head powerful states thrash out deals in private on the basis of personality.

In an act of unilateralism, in May, US President Donald Trump announced that the **USA** was pulling out of the Iran nuclear deal framework, which had been agreed in 2015 between the UNSC P5 (China, France, Russia, the UK and the USA), the EU and **Iran**. The deal, the product of long and careful negotiations, agreed the limitation of Iran’s nuclear programme in return for the lifting of sanctions. President Trump, **claiming** that the agreement was “decaying and rotten,” announced he would unilaterally reimpose sanctions. The move came despite **pleas** from European partners, backed by expert testimony, that Iran, having dismantled a large part of its nuclear programme and allowed access to international inspectors, was complying with its part of the deal. The other parties to the agreement scrambled to save the deal, but the situation remained uncertain. Many in civil society saw the **decision** as unnecessary and inexplicable, and one that left the world a more unsafe place. The Trump administration went on to approach trade deals in the same manner *(see below)*.

The **UK**, one of the other partners in that deal as a P5 member, faced a great distraction that seemed likely only to **diminish** its multilateral diplomatic capacity, in the form of its Brexit negotiations. There were

many factors that influenced the narrow vote of British citizens in the June 2016 referendum to leave the EU, but the process of withdrawal, triggered in March 2017 and scheduled to take two years, marked a clear rejection of the ethos of multilateralism, and the assertion of unilateralism and bilateralism in its place. But the British government had perhaps overestimated its power, as it struggled to secure the superior bilateral trade deals that adherents of a leave vote had promised the voters, and the difficult process of trying to negotiate a separation deal with the EU fuelled increasingly rancorous political **division** within the UK.

The effects of withdrawal on bad terms or no terms could be profound for citizens, businesses and British CSOs, which have spent decades cultivating links and working with other European CSOs. British CSOs also expressed concern about a possible executive power grab by the government of authority that had rested at the EU level, potentially subjecting decisions to less rather than more democratic oversight. In a 2018 **report**, the Charity Finance Group offered a cost-benefit analysis of Brexit for British civil society, and concluded that as it stands, Brexit **would be bad** for CSOs and the people they work with and for, as a result of changes in tax rules, limited access to funding, rigidity of procurement rules and obstacles created by the migration system. In view of the prevailing uncertainty, in 2018 several UK CSOs **relocated** outside the UK or opened offices in other European cities, and many more showed an interest in doing so. The UK’s rejection of multilateralism could be seen to be having a negative impact on civil society even before Brexit was concluded.

EUROPEAN INSTITUTIONS IN AN AGE OF GROWING AUTHORITARIANISM

The UK's anguished Brexit politics were part of a bigger picture in which EU members, many of which have drifted politically rightwards, and several of which now have right-wing populist governments (*see Part 3*), have found themselves in tension with the EU's stated fundamental values – of respect for human dignity and human rights, freedom, democracy, equality and the rule of law.

While the EU and other European institutions can be accused of not always adhering to these values as they take part in a push-and-pull with right-wing-led states – notably in the EU's **deal** to devolve patrol of the Mediterranean Sea for migrants and refugees to the government of Libya (*see Part 2*) – Europe's institutions have also helped make some key advances in human rights. In one example, in January, the European Court of Human Rights, a Council of Europe body, ensured an advance in rights in **Lithuania**, when it **ruled** that the government had unreasonably restricted the freedom of expression by banning a fashion advert that used religious symbols. The case was brought by the Human Rights Monitoring Institute, a Lithuanian CSO, indicating how civil society is able to use European institutions to promote rights.

In 2018 the EU started to take action against a central European cluster of states that have become notable backsliders on the rule of law. In September, the European Parliament passed a **censure motion** that triggered a disciplinary process against the government of **Hungary** for its breaches of EU core values (*see Part 3*). The motion cited concerns about judicial independence, corruption, academic freedoms, the

freedom of expression and the rights of migrants and minorities. Passed by a two-thirds majority, the motion signalled the growing gap between the values of Hungary's government and those of the EU, but also revealed a divide within the European Parliament, as many right-wing populist members of parliament sided with Hungary. The process could ultimately lead to a suspension of Hungary's EU voting rights, although the state's closest ally, **Poland**, would likely block it.

Poland is subject to a similar process of censure, started by the European Commission in 2017, over concerns related to the government's influence on the judiciary, and specifically a law aimed at forcing the early retirement of Supreme Court judges. In August, the Commission confirmed that Poland had failed to respond to the EU's complaints and **announced** that if noncompliance continued, it would refer the case to the Court of Justice of the EU, which it **subsequently** did in September. That September, Poland was **banned** from the European Network of Councils for the Judiciary, on the basis of its compromised state of judicial independence.

Romania was next in the spotlight. In November, the European Parliament passed a **resolution** on the rule of law in Romania, over concerns about the government's plans to weaken punishments for corruption (*see Part 1*). The government of Romania had received an **early warning** in January, when the European Commission urged the Romanian parliament to rethink changes to laws governing the judiciary.

But as the EU started to act more strongly against member states drifting away from its core values, European human rights institutions came under attack by authoritarian states clearly opposed to those values. In 2018, the Council of Europe – Europe's 47-member human rights body – was reported to be facing a **budget crisis** as **Russia** and **Turkey**, two of the institution's major contributors, refused to pay their share. Russia suspended its payments while Turkey slashed its contributions. The institution faced a reported shortfall of at least €42.65 million (approx. US\$48.5 million), 10 per cent of its annual budget.

These actions formed part of a pattern in which the two governments have pulled back from institutions that might scrutinise presidential power and human rights violations. Russia had lost its right to vote in the Council of Europe, its representation rights in bodies of the Parliamentary Assembly of the Council of Europe (PACE) and its right to participate in election observation missions after **illegally annexing Crimea** in 2014. Turkey justified withholding its Council of Europe payments on the grounds that PACE had given an award to a suspected terrorist, an accusation frequently levelled to suppress civil society in Turkey. In 2017, PACE awarded the Václav Havel Human Rights Prize to Murat Arslan, Turkish former chair of the Judges and Prosecutors Union, who has been under arrest since 2016 over alleged links to the Fetullahist Terrorist Organization. Onlookers **believed** the real reason for Turkey's decision was anger at PACE's decision to bring Turkey's human rights situation under monitoring.

In April, Turkey's President Recep Tayyip Erdoğan **demanded** a veto over which CSOs could participate in an annual meeting of the Organization for Security and Co-operation in Europe (OSCE), which for many CSOs is the only opportunity to engage with the institution. President Erdoğan wanted to ban CSOs that were deemed to have links to 'terrorist' organisations. When the meeting went ahead in September, Turkey was the only one of the OSCE's 57 member states to **boycott** it.

THE UN SECURITY COUNCIL: THE FAULTLINES OF MULTILATERALISM

The challenge, given the various threats against multilateralism, is to defend multilateralism as a process, but also urge a more democratic version of it, in which citizens are enabled to have much greater agency and voice: to overhaul rather than abandon the institutions that have formed in the past 70 years. But in 2018, nowhere did democratic multilateralism seem a hopelessly distant vision and nowhere were the weaknesses and frustrations of the multilateral system more apparent than at the UNSC, which too often remained **deadlocked** between the conflicting interests and alliances of its permanent members. Several ongoing conflicts and emergencies merited a UNSC response, but more often than not, no consensus was reached, and therefore no solutions were offered.

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Year after year, the UNSC has continued to **fail** the people of **Syria**. In March 2019 the **Syrian war** entered its eighth year, and the killing, in the complex, multi-sided conflict, continued. Brutal human rights violations and war crimes included **chemical weapons** use and targeted attacks against civilians. Humanitarian law has been violated by many parties in the conflict, but the greatest burden of responsibility has fallen on the Syrian government, which has systematically waged war against its own people. So many people have been killed in the war that the UN and others have **stopped** counting, but it seems likely that at least half a million have been killed and more than **five million** people were made refugees. Human rights defenders and journalists trying to tell the world about the situation in Syria have been targeted.

But any hope of UNSC action on Syria was compromised by the roles of the UNSC's P5 states in the conflict, with Russia an active military backer of the Syrian government and a US-led coalition conducting airstrikes. States pursued their own paths, while having the power to block multilateral action to uphold human rights. Russia used its veto power 11 times and China six times to stop the UNSC taking action over Syria. In late 2017 the UNSC was unable to extend the mandate of the Organization for the Prohibition of Chemical Weapons Joint Investigative Mechanism, established to identify perpetrators of chemical weapons attacks in Syria. The prohibition of chemical weapons is one of the oldest international norms that apply to war, dating back to 1899 and codified in the Geneva Protocol of 1925, but failure to act effectively normalised chemical warfare in Syria and tied the hands of the international community to uphold its **responsibility to protect**.

Apart from a few statements, the UNSC was also **largely silent** about the war in **Yemen**. One of the key belligerents is a Saudi-led coalition, and Saudi Arabia is a close ally of the USA, while the UK, which has responsibility to lead on Yemen among the P5, is one of the top **sellors** of arms to the Saudi regime; France and the USA have also sold arms that have been used in Yemen. Russia, meanwhile, has sided with **Iran**, which supports the rebel Houthi group.

Offering some hope for respite for Yemeni citizens, **peace negotiations** between the Yemeni government and Houthi rebels began in Sweden in December. But at the year's end the ceasefire seemed patchy and fragile, and one of the challenges was a lack of ceasefire monitors on the ground. A December UNSC motion to deploy these was **mired** in internal wrangling, which saw key text about Yemen's humanitarian crisis and the need for investigations into breaches of humanitarian law deleted in order to achieve a resolution that would pass.

While the UNHRC did act (**see above**), the UNSC also revealed its faultlines over the Rohingya crisis. A UK-drafted **resolution** contemplated further steps, including sanctions, if the government of **Myanmar** did not make sufficient progress to address the ongoing human rights violations against the Rohingya people. The draft resolution aimed to establish a timeline for Myanmar to allow the safe return of the more than 700,000 Rohingya refugees from **Bangladesh**. However, China and Russia continued to boycott talks on the issue. In October, when the chair of the Independent International Fact-Finding Mission on Myanmar presented the Mission's findings to the UNSC, China and Russia, alongside representatives of **Bolivia** and **Equatorial Guinea**, **objected** strongly to the briefing, stating that there was no precedent for the UNSC to invite a special mechanism on a country-specific issue.

Deadlocked through veto power, the UNSC also remained a mute spectator over **Israel's** human rights abuses against **Palestinians** (**see above**). But at least in October, **Randa Siniora**, a human rights lawyer and director of the Women's Center for Legal Aid and Counselling, became the first Palestinian woman campaigner to address the UNSC. Speaking at the UNSC's Open Debate on Women, Peace and Security, she **spoke** about the impacts of the Israeli occupation on women and girls. However, other human rights defenders, including from Syria and Yemen, were **unable** to address the UNSC because, as a result of the US ban on travel from some countries, they were denied visas.

Multilateralism also did little to advance change in **North Korea**, one of the world's most **repressive** states, in which civic space is completely **closed**. UNSC sanctions did not prevent the North Korean regime developing its nuclear and ballistic missile programmes, to the alarm of neighbouring countries. Instead of fostering concerted efforts to deal with the North Korean threat, in September the UNSC became the scene of an acrimonious dispute, as the US ambassador to the UN **accused** Russia of covering up evidence of violations of sanctions.

The evident failures of multilateralism left the door open for bilateral approaches to be asserted instead. Global attention focused on two historic events: the **summit** between North and **South Korea** in May and the US-North Korea **talks** held in **Singapore** to discuss denuclearisation in June. But in these bilateral talks, many CSOs raised **concerns** that human rights issues were being sidelined. In the run-up to the May summit, 40 CSOs and alliances from all continents **wrote** to South Korean President Moon Jae-in asking him to urge North Korean leader Kim Jong-un to implement UN human rights recommendations, engage on inter-Korean human rights issues, including human rights dialogues and information exchanges, push for regular reunion meetings of separated families, and increase inter-Korean people-to-people contact. UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, **warned** the countries involved in denuclearisation negotiations that avoiding the topic of human rights in North Korea could jeopardise the perspective of sustainable agreements. Civil society also **pressed** US President Donald Trump to raise human rights considerations in the Singapore summit. In June, 52 CSOs and coalitions **urged** Kim Jong-un to undertake reforms to end serious rights abuses.

But despite the pressure and mobilisation of civil society and other stakeholders, neither the **Panmunjom Declaration** signed in May, nor the joint statement issued in June in Singapore, mentioned **human rights**, and no change has taken place in the dire human rights situation in North Korea. A diplomacy dominated by security considerations and

removed from multilateral oversight and civil society scrutiny missed opportunities to push for changes that would make a difference to the lives of North Korean citizens.

THE CHALLENGE OF MULTILATERALISM: SPOTLIGHT ON VENEZUELA

The world was not indifferent to **Venezuela's** political, economic and humanitarian crisis, which continued to evolve in 2018 (*see Part 3*), but multilateral institutions struggled to respond. Venezuela is a member of several regional integration mechanisms and intergovernmental bodies, including Mercosur, comprising **Argentina**, **Brazil**, **Paraguay** and **Uruguay**, the 12-member Union of South American Nations, the 33-member Community of Latin American and Caribbean States and the Organization of American States (OAS), which includes all countries of the American continent. But these could apparently do little to help solve the Venezuelan crisis. Despite **relative agreement** regarding the dimensions of the crisis and its impact on human rights, widely divergent political views among countries and lack of coordination among organisations prevented movement towards a negotiated exit to the crisis.

The OAS tried to play a leading role and bring parties to the negotiating table. Its Secretary-General, Luis Almagro, consistently deplored the authoritarian drift of the Venezuelan regime and took a **very critical** stance towards the government of President Nicolás Maduro. But the OAS remained divided between countries siding with and against the Venezuelan government. Drafts of several condemnation statements got stuck at the OAS' Permanent Council. As member countries remained entangled in a discussion about the nature of the Venezuelan crisis and

possible responses, the government of Venezuela announced that it would leave the OAS. In April, President Maduro **stated** that Venezuela would complete its exit by April 2019. Only in June, after Venezuela's withdrawal had been announced, was the first critical **resolution** on Venezuela passed by the OAS General Assembly; such a resolution had first been attempted in 2015.

Outside Latin America, multilateral institutions also struggled to mount an effective response. In November, the EU extended its **sanctions** against Venezuela until November 2019. Europe had imposed an arms embargo in November 2017 and subsequently added various officials to its sanctions list, most recently in June, in response to Venezuela's highly flawed presidential election. But the UN did not impose sanctions when Venezuela **came up** at the UNSC in September, as the delegations of China and Russia defended the government.

More positively, and in the face of the exodus of Venezuelan citizens escaping violence, repression and poverty (*see Part 2*), in December the International Organization for Migration (IOM) and the UNHCR, the UN's refugee agency, **launched** a global initiative to deal with challenges caused by Venezuela's mass migration. The IOM announced that 95 organisations across 16 countries had worked together to develop a joint response to serve the needs of migrants and refugees as well as those of the communities in which they were now living. The IOM announced that this was the first response plan of its kind in the American continent, amounting to US\$738 million in 2019, with interventions targeted at 2.7 million people – 2.2 million Venezuelans and 500,000 members of host communities – in 16 countries.

However, the international system failed to deal with the **spillover effect** of Venezuela's health crisis: there was no sign of coordinated action to reduce its impact and contain epidemics crossing borders.

CIVIL SOCIETY DEMANDING CLIMATE ACTION

2018 could hardly be called a year of breakthrough for action on climate change, but it was one in which the urgency of the situation was made even clearer. In October, the Intergovernmental Panel on Climate Change (IPCC), the UN body that assesses the science related to climate change, released its **Special Report on Global Warming of 1.5°C**. The report, prepared by 91 authors from 40 countries, summarised research on the impacts of global warming and outlined the steps required to limit its increase. It concluded that limiting warming to 1.5°C above pre-industrial levels was necessary and feasible but would require “deep emissions reductions” and “rapid, far-reaching and unprecedented changes in all aspects of society.”

While the **Paris Agreement** established a target of limiting the rise to 2°C, alongside a vaguer commitment to “pursue efforts” to hold the increase to 1.5°C, the IPCC concluded that meeting the more demanding target would make a huge difference to the impacts of climate change, including in sea level rise, extreme weather and the loss of habitats. But the scientists issued a stark warning and made clear that climate change is not some distant challenge for future generations; it is one that must be faced now. The report stated that there are only **12 years** left for action to be taken to limit the rise to 1.5°C.

While progressive civil society stands with the vast scientific consensus in **demanding** action to limit the impacts of climate change, political leaders continue to fail to act. The ranks of right-wing populist politicians are filled with climate change deniers. Under the Trump administration, climate change denial has become the basis of US domestic policy, with coal power and oil exploitation prioritised and the dismantling of environmental



In one of many climate change protests led by young people, German students called on their government to take stronger action on climate change.

Credit: Carsten Koall/Getty Images

protections resulting from the **co-option** of the US Environmental Protection Agency by powerful corporate climate change deniers.

Climate change denial also became a key part of US foreign policy. In 2017, the US withdrew from the Paris Agreement, alongside its various other withdrawals from international bodies and agreements. In December, at the UN Climate Change Conference, **COP24**, held in **Poland**, the US joined forces with oil states **Kuwait**, **Russia** – in a rare moment of mutual agreement – and **Saudi Arabia** to **weaken** a reference to the IPCC report, replacing a proposal to “welcome” the report with one merely to “note” it – a small change in wording that can make a huge difference in the extent to which the report’s recommendations might be followed up. Meanwhile host government Poland used the summit to **promote** its coal industry, which it is expanding, and state-owned coal and gas companies were announced as key **partners** in the talks.

Throughout the year, US authorities continued to challenge the Paris Agreement, which they characterised as undermining US sovereignty and weakening its competitive advantage. President Trump continued to question the scientific consensus on climate change. He was **not alone**. While acknowledging that climate change is happening, Russian President Vladimir Putin has repeatedly rejected the consensus that it is caused by human activity. **Brazilian** President Jair Bolsonaro, a right-wing populist elected in 2018 (*see Part 3*), initially **expressed his intention** to join the USA in pulling out of the Paris Agreement but later backtracked, insisting that **Brazil would stay in** but only if the Agreement did not imply a threat to its sovereignty.

The main issue at stake in Brazil is the increasing deforestation of the Amazon rainforest. On that front, President Bolsonaro expressed an intent to remove hard-won protections for rainforest and indigenous peoples, allowing deforestation to proceed and opening the way for more agro-industrial projects. The day after his inauguration in January 2019, President Bolsonaro signed an executive order **transferring** the

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regulation of indigenous reservations to the Ministry of Agriculture, controlled by the powerful agribusiness lobby. President Bolsonaro also threatened to **eliminate** the Ministry of the Environment and said he would strip **environmental agencies** of their powers to fine and enforce sanctions against companies and individuals. Brazil's new environment minister **described** environmental fines as forms of “ideological persecution.”

Increasingly popular **far-right** parties and leaders across Europe have either denied climate change, rejected responsibility for its occurrence, or downplayed the need for or feasibility of action against it. The environmental affairs spokesman for the far-right Alternative for Germany party, which **came third** in **Germany's** 2017 election, has compared climate change certainties with the mandates of a religion. The ideologically similar Sweden Democrats, which **came third** in the 2018 general election, claim that **Sweden** has already done enough to fight climate change.

More mainstream governments are also compromised. The **UK** government remains an avid supporter of the fracking industry and has criminalised people who protest against it (*see Part 1*). **Canada's** government positions itself internationally as very different to that of the USA, but at the same time has continued to develop its oil and gas industry and tried to push through a vast new pipeline project (*see Part 1*). The **French** government's attempt to increase diesel taxes as part of its climate change strategy was the trigger of the furious ‘gilets jaunes’ backlash, which quickly forced a reversal of the plan (*see Part 1*).

In few places are the tensions between action on climate change and the fossil fuel industry experienced as acutely as in **Australia**. Its unique biodiversity is imperilled by climate change but coal remains a major industry (*see Part 1*). A country with just 0.3 per cent of the world's population contributes 1.8 per cent of its greenhouse gases. The government introduced a controversial **carbon tax** in 2012, but the opposition campaigned against it and quickly repealed it when it became the government in 2014. Australia's latest Prime Minister, Scott Morrison, came into office in August and almost immediately **faced pressure** from members of his own Liberal Party to abandon Australia's Paris Agreement commitment to reduce emissions by 26 to 28 per cent on 2005 levels by 2030. Australia's Pacific island neighbours, who live daily with the visible realities of climate change and risk seeing **sea-level rise** wipe their islands off the map, looked on in despair.

But while many powerful governments are not taking climate change seriously enough, citizens and CSOs are increasingly urging them to act on their commitments. In August, Swedish student Greta Thunberg, then 15 years old, started a school strike to demand political action on climate

change, prompted by a series of heatwaves and wildfires. Taking **inspiration** from the USA's young activists for gun control (*see Part 2*), what started as a solo protest quickly blossomed into a mass movement, spreading across Sweden and then to countries far and wide – including Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Japan, the Netherlands, Switzerland, the UK and the USA. While Greta Thunberg was the movement's most prominent voice, speaking at COP24 and meeting with the UN Secretary-General, and facing far-right **vilification** for doing so, the movement's strength lay in the thousands of young people who lacked the right to vote but took direct action, many for the first time in their lives, to call out the failure of adults to protect their futures. Establishment politicians did not welcome this burgeoning of participation among the young: in Australia, Prime Minister Morrison **called for** "more learning in schools and less activism," while Resources Minister Matt Canavan said that the only thing the students would learn would be "how to join the dole queue." After strikes continued in 2019, a **Belgian** environment minister, Joke Schauvliege, was forced to **resign** after falsely claiming to have evidence that striking students were being directed by outside powers. The school strikes are bound to continue, and the young people taking action deserve a more serious response from political leaders.

Direct action also made the headlines in the UK in November, where an act of mass civil disobedience saw thousands of climate protesters **shut down** central London, organised by a new group, **Extinction Rebellion**. Protests continued around the UK. Another civil society response was to take to the courts to hold governments accountable for their failures to meet climate commitments, including not reaching emissions goals or setting unambitious ones, and granting approval to environmentally unfriendly projects. According to a **survey** of climate change litigation published by the UN Environment Programme, as of March 2017 climate change cases had been filed in 24 states, with 654 filed in the USA and over 230 elsewhere. Outside the USA, the highest concentration of

cases was found in Australia (80), the UK (49), the Court of Justice of the EU (40), New Zealand (16) and Spain (13). In the UK, ClientEarth, an organisation of environmental activist lawyers, **won** its third court case against the government in February for its failure to act on air pollution, signalling the growing confidence of such activism.

Civil society in the global south is taking the initiative too. In 2018, a **lawsuit** was filed in **Colombia** by the CSO **Dejusticia** on behalf of 25 young Colombians threatened by climate change who want to hold their government accountable for allowing the expansion of cattle ranching, agriculture and mining and failing to curb deforestation in the country's Amazon region. The plaintiffs argue that deforestation violates their constitutional right to a healthy environment and threatens their rights to life, water, food and health. They are demanding that their government takes measures to stop deforestation and curb greenhouse gas emissions, and establish an inter-generational agreement on climate change, to take into account the impacts of current policies on the next generations. They believe they have a strong case and can win a victory that means the government will have to take action. In this case, as in many others, civil society is pushing governments to acknowledge the urgency of the climate emergency and act accordingly.

SUSTAINABLE DEVELOPMENT GOALS: INSUFFICIENT PROGRESS, LIMITED SPACE FOR CIVIL SOCIETY

Action on climate change is also recognised as one of the 17 SDGs, but progress on these too has faltered as multilateralism and multilateral agreements have come under attack.

In advance of the UN General Assembly in September, UN Secretary-General Antonio Guterres **referred to** the 2030 Agenda for Sustainable Development, which establishes the SDGs, as a road map to address global challenges of conflict, climate change, extreme poverty and inequality. But four years on from that landmark moment when all UN member states adopted Agenda 2030, there remains a troubling deficit when it comes to acknowledging, in the global development agenda, the inextricable links between human rights and sustainable development.

In a world in which, despite unprecedented wealth accumulation and technological advances, **821 million people** go hungry, too many involved in the SDGs still see **inequality**, poverty and exclusion as technical macro-economic problems that can be solved by policy interventions rather than as profound failures in governance and serious human rights deficits that demand radical people-centred action. Despite some new initiatives launched in 2018, including a partnership to **involve young people** in Agenda 2030, mainstream decision-makers remain stuck in a limited understanding of development.

To help overcome these failings, civil society involved in SDG processes is demanding significant changes in approaches on at least three fronts: data, the role of the private sector and the universality and interdependence of the SDGs.

Efforts underway to create and curate data through cutting-edge technology, valuable though they are, have obscured the reality that without fundamental rights, including the right to access information, data can easily be skewed by those in power to serve their interests. A glaring example of this was offered in October, when the **UN World Data Forum** was held in partnership with the Federal Statistics and Competitive Authority of the **UAE**, a country where civic space is **virtually non-existent**. It would be no surprise if the UAE's official data on SDG targets tell a very different story from the one that would be told by the trade unionists, human rights activists and investigative journalists

who are experiencing repression and struggling to make their voices heard. As many in civil society **pointed out**, the focus needs to move from reporting and creative curation of data to accountability. Enabling conditions for participation need to be created so that people have the agency to tell their own stories.

The ways in which the SDGs are being resourced may however make such a shift harder. As discussed in **previous editions** of this report, the ambition of Agenda 2030 is not matched by the resources available. Many donor governments, turning rightward, becoming more insular and increasing their spending on preventing migration and reinforcing security, are less inclined to give support to sustainable development and the advancement of rights in other countries. In response, the UN, itself facing **funding challenges**, has sought to fill the gap with an unprecedented number of private sector partners, including individual philanthropists and large corporations. The dangers created include those of limited democratic accountability over the private sector's development decisions and actions, and cherry-picking of goals and targets.

A 2018 Oxfam **report** on the SDG engagement of 76 of the world's largest companies found that while most had made a public commitment to the SDGs, the Goals they had chosen to prioritise tended to reflect their existing corporate social responsibility commitments. Few had adopted ambitious new targets and few had made human rights commitments as part of their response to the SDGs. This suggests that the private sector's major involvement in the SDGs could do little to help meet goals on labour rights, corruption and income inequality, and even undermine these goals. Conversations about tackling vast corporate tax avoidance, restructuring and regulating economies, and redistributing wealth are unlikely to get very far.

Instead of acknowledging that much greater private sector accountability is required as a counterpart for its increasing involvement in the SDGs,

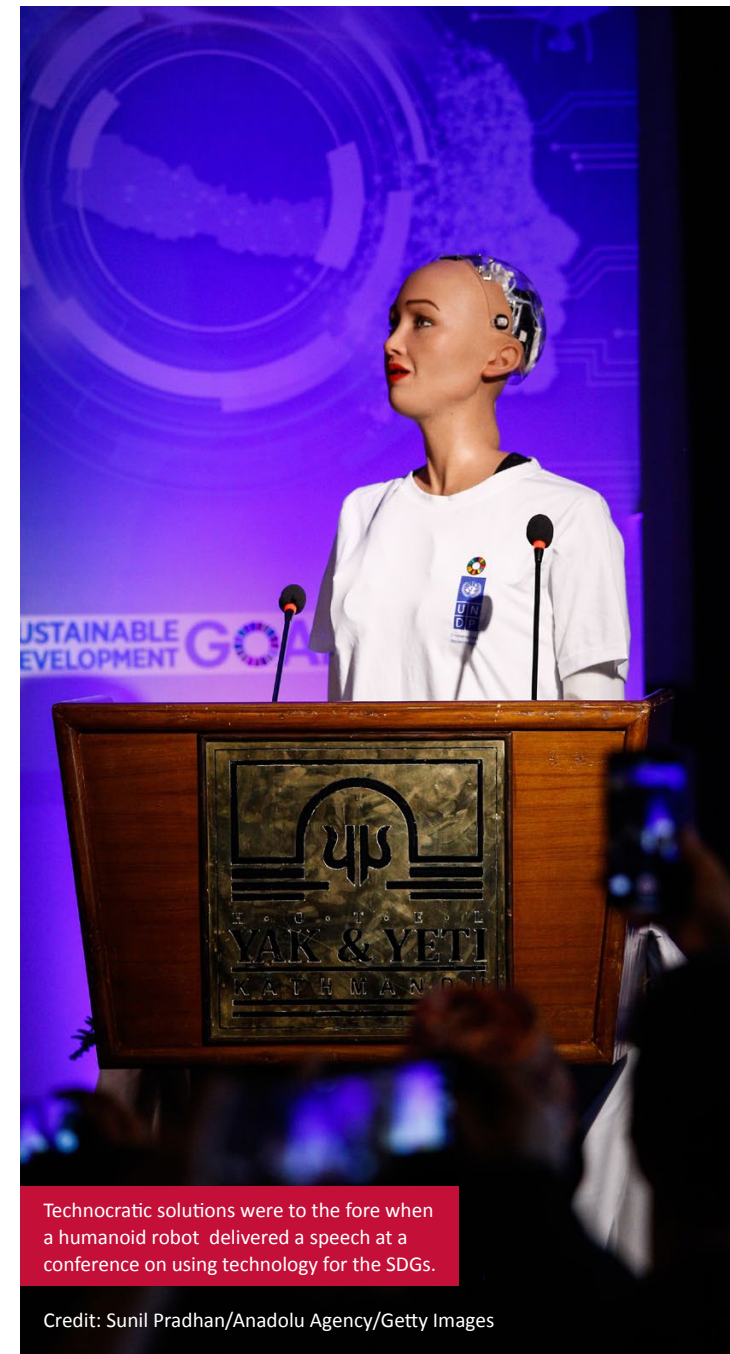
and challenging large corporations to change their behaviours that fuel rising inequalities, environmental degradation and the denial of labour rights, the UN is increasingly inviting businesses to present their achievements, with little or no scrutiny.

Another key and related challenge is the apparent downplaying of the notion that the SDGs are universal and interconnected. Many in civil society welcomed Agenda 2030's universal nature as an improvement on the SDGs' forerunner, the Millennium Development Goals, which too often reflected a limited understanding of development as something done in the global south with the support of the global north. But little attention is currently being paid to some Goals, such as Goal 12 on sustainable consumption and production and Goal 16, a particularly important one for many in civil society, on fundamental freedoms, equal access to justice and the rule of law. These are goals that challenge the power of political elites – at a time when fundamental freedoms are under **attack** in the global north as well as global south – and call for changes in business practice.

Civil society can be a strong voice in advocating for the universality and interconnectedness of the SDGs, and for human rights to be placed at their centre. Civil society has insisted on the need for multi-stakeholder partnerships, which involve the private sector, to advance the social justice and human rights underpinnings of the SDGs. But civil society voices can only be heard, and accountability exerted, if there is enabling space in which CSOs can engage on the SDGs.

However, while the private sector's involvement in SDGs has rapidly increased, the vital role of civil society continues to be underplayed. In 2018 states continued to restrict civil society's involvement in monitoring Agenda 2030, as exemplified by the annual meeting of the UN High-level Political Forum on Sustainable Development, where states present their Voluntary National Reviews (VNRs), the reports that set out their progress on the SDGs.

The **practices** that have excluded civil society over the five years of the forum's operation continued to be seen in 2018. States are allotted 30 minutes in which to present their VNR and take questions and statements from other member states as well as from civil society. In 2018, some states used much of the time to share slick promotional videos designed to present their achievements in the best possible light. With little time available, only one or two representatives from civil society were able to comment publicly on their government's report during each session. Often civil society tries to make the best use of the time available by producing a joint statement that must fit into just two minutes, but this offers extremely limited space for diverse voices to be heard.



Technocratic solutions were to the fore when a humanoid robot delivered a speech at a conference on using technology for the SDGs.

Credit: Sunil Pradhan/Anadolu Agency/Getty Images

If civil society asks a difficult question, government delegations may simply ignore it. In 2018, a question posed by a **Colombian** indigenous representative about the killing of four sustainable development activists remained unanswered. In other cases, states consult with civil society to prepare their VNR, but are selective about which voices they choose to hear, and which issues they highlight. In 2018, the government of **Switzerland** prepared its VNR with the active involvement of civil society, but then presented a version that omitted a key section for civil society, on the impacts of Swiss financial institutions on global economic inequality.

Some governments include civil society in their delegations, but the limited time allocated restricts their voices. This proved the case when the government of **Canada** invited First Nations representative Grand Chief Wilton Littlefoot to join its delegation on the podium as it presented its VNR. While his presence added to the diversity of the delegation, it seemed little more than a token gesture, since there was not time for him to speak during the proceedings: the denial of voice for excluded groups was aptly symbolised.

For other states, there was no prospect of civil society being involved in VNR processes. Of 46 states under review in 2018, seven – **Bahrain, Egypt, Laos, Saudi Arabia, Sudan, UAE** and **Vietnam** – have closed civic space and therefore provide no opportunities for civil society to have its say on SDG progress. Some civil society representatives were understandably concerned they would face government reprisals if they asked questions in such a public setting.

Although the UN has yet to provide a mechanism to include civil society input in the formal review process, civil society has increasingly taken the initiative of producing **its own reports** to complement the VNRs, doing what it can to highlight key issues and call for more space in the process. As the VNR process is reviewed in 2019, civil society will be pushing to make it more open and inclusive, and therefore more effective.

PARTIAL PROGRESS: GLOBAL COMPACT FOR MIGRANTS AND REFUGEES

Goal 10 of the SDGs – and more precisely its target 10.7 – commits to “orderly, safe, regular and responsible migration,” including through “well-managed migration policies.” While migration is a phenomenon as old as human civilisation, Goal 10 reflects the fact that we live in a world where more and more people are on the move. The global number of international migrants reached **244 million** in 2015, over 150 million of whom were estimated to be migrant workers, an essential part of a globalised economy. At the same time, conflicts, insecurity, repression and poverty have uprooted populations. For the first time in history, the number of refugees, internally displaced persons and asylum seekers has **surpassed** 65 million people. If the SDGs are supposed to be about ‘**leaving no one behind**’, then attention needs to be paid to the migrants and refugees who often have the least access to rights. But while most refugees are **located** in global south countries, these unprecedented movements of people have been seized upon by right-wing populists, particularly in the global north (*see Part 2*), fuelling a surge in anti-migrant rhetoric, hate speech, violence and discrimination, and leading to tougher government approaches to migration.

The scale of the international movement of people demanded an international response. In September 2016, the UN General Assembly adopted the **New York Declaration for Refugees and Migrants**, in which states committed to “protect the human rights and fundamental freedoms of all persons, in transit and after arrival,” although the subsequent actions of many states clearly fell short of this. The New York Declaration led to work to develop two global compacts: a **Global**

Compact on Refugees and a **Global Compact for Safe, Orderly and Regular Migration** (known in short as the Global Compact for Migration).

Following a consultation process that included a series of discussions and meetings in 2017 followed by formal consultations on successive drafts between February and July, the UN General Assembly **adopted** the Global Compact on Refugees in December, with 181 member states voting in favour and two states – **Hungary** and the **USA**, both of which have adopted a hostile approach to migration – voting against. While not legally binding, the Global Compact on Refugees seeks “to strengthen the international response to large movements of refugees and protracted refugee situations, and to better define cooperation to share responsibilities.”

Negotiations leading to the more controversial Global Compact for Migration began in 2016, following the **arrival** of over a million migrants and refugees in Europe. While supporters of the Compact believe it will foster cooperation and improve states’ treatment of migrants and refugees, those opposed claim it impinges on national sovereignty and will encourage more illegal migration. **According to the UN**, this is “the first intergovernmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner.”

But according to analysts and advocates for the rights of migrants and refugees, the Global Compact for Migration has at least three main **weaknesses**. First, there is a clear tension between its simultaneous affirmations of the rights of migrants and of national sovereignty, resulting in vague language about how the international community should deal with countries that do not protect migrants’ rights, and opening the door for continuing impunity. Second, it is non-binding and has weak provisions on implementation, monitoring and review mechanisms, which are mostly left up to each participating state. Third, many states ultimately refused to sign it.

While 192 member states – **all bar the USA** – agreed to the final text of the Global Compact for Migration in July, only **164 states** went on to sign it at the adoption **ceremony** in Marrakech, **Morocco**, in December. Several states – including Australia, Austria, Bulgaria, Chile, Croatia, Czechia, the Dominican Republic, Hungary, Italy, Israel, Latvia, Poland, Slovakia and Switzerland – announced they would **not attend** the Marrakech summit. Following Marrakech, a UN General Assembly vote to endorse the Compact saw only 152 states vote in favour, with five – Czechia, Hungary, Israel, Poland and the USA – voting against.

The Global Compact for Migration met head-first the rising anti-migrant sentiment in many countries. Between July and December, a slew of right-wing opponents asserted themselves, calling on their governments not to sign the Compact in the name of national sovereignty and controls on migration. Far-right groups marched against the Compact in **Belgium**, and when parliament and the prime minister supported it, a key coalition partner pulled out of government, causing the ruling coalition to **collapse (see Part 2)**. In Germany, the Alternative for Germany party organised protests. In the UK, amidst its fevered Brexit politics, an online petition signed by **more than 100,000 people** urged the government not to sign the Compact. The UK government did sign, but clarified that as the agreement was non-binding, it would not entail limits on the UK’s ability to set its own, increasingly tough, migration policy. The Compact sparked opposition and **division** across much of Europe: **Slovakia’s** Foreign Minister, Miroslav Lajčák, **resigned** in protest when his country’s parliament voted to reject the Compact.

Among those that reversed their position on the Global Compact for Migration between July and December, **Austria’s** right-wing government **(see Part 3)** claimed that the pact would blur the line between legal and illegal migration, while **Australia’s** government stated that the deal would restrict its hardline border policy **(see Part 3)**. The government of **Israel** took a similar **position**, stating that it would continue to protect its borders from “illegal infiltrators.” The Trump administration **claimed**

that the compact's global approach to the issue was not compatible with US sovereignty. In January 2019, **Brazil's** President Bolsonaro **confirmed** that his country was withdrawing from the Compact.

As it stands, the two Global Compacts, while an achievement in terms of advancing international norms, seem vulnerable to the current reassertion of nationalism and presidential sovereignty, and the surge of right-wing populism. It will fall to civil society to try to uphold the spirit of the agreements, win over those opposed and work to hold governments accountable to the fine words many of them signed up to.

PUSHING BEYOND NEOLIBERALISM: CIVIL SOCIETY AND THE G20

Money moves much more freely than people. Globalised economic neoliberalism has been the economic orthodoxy since the 1980s, but discontent has grown at vast and increasing inequality, personal insecurity, the precarious nature of many jobs and livelihoods, poor or non-existent public services and environmental impacts. Criticisms have come both from the growing ranks of right-wing populists and from progressive voices, including those within civil society. This report's chapter on protests on everyday issues (*see Part 1*) details how anger about material and economic issues – food and fuel prices, jobs and labour rights, housing and public services, inequality and corruption – have often been the tipping points that have pushed people into protest and exposed long-running frustrations with political and economic elites.

In attacking 'globalism', right-wing populist leaders are reasserting notions of national economic sovereignty, taking unilateral action and pulling away from trade deals. Throughout 2018, the **USA** and **China**



The G20 meeting in Buenos Aires, Argentina, was met with citizen protests.

Credit: Nacho Sanchez/Getty Images

were the main players in an escalating trade war, taking measure after measure against one another in evident violation of World Trade Organization (WTO) rules, each while **accusing** the other of violating multilateral agreements. Their race to raise tariffs on each other's export goods raised fears of a full-on superpower trade war, involving **other countries** too. This would have a major impact, in terms of the prices of goods and their availability, not only on citizens of the two countries, but also many others: steel and aluminium tariffs, for instance, affected **Canada, Japan, Mexico, South Korea** and EU countries; these were able to retaliate, but smaller and economically weaker countries that were affected **could not**.

Again, the tendency was to drift away from a rules-based multilateral order towards the negotiation of **bilateral** trade deals outside the established channels of multilateral organisations. While the WTO has long been the subject of criticism from many in civil society, the risk was that the WTO would not be reformed or replaced with a more progressive, democratic and accountable body, but rather sidelined in favour of something even harder to engage with, attempt to influence and hold accountable. The danger was that the idea that anything could be unilaterally overridden, including established norms and agreements, was being normalised. For civil society, commercial disputes and frenetic negotiations aimed at avoiding an open trade war created a situation in which human rights and environmental considerations were increasingly at risk of being overridden by national economic self-interests.

The critique of the existing economic order put forward by many in civil society asserted alternative visions of a rules-based system that puts human rights, environmental protection, economic equality, proper public services and decent work and pay at its heart. This meant that, even when progressive civil society sometimes found itself an unlikely bedfellow with right-wing populists in criticising the **recent swathe** of vast trade deals, the ethos behind that criticism was quite different: civil society pointed to the likely impacts on jobs, labour rights and public

services, and environmental and health and hygiene standards, and called attention to the secrecy in which deals were negotiated and the power they conferred on private corporations.

Trade deals continued to be challenged on multiple fronts in 2018. In early March, activists in **New Zealand** organised nationwide **protests** against the **Comprehensive and Progressive Trans-Pacific Partnership** (TPP) that would be signed in **Chile** by 11 countries from the Americas, Asia and the Pacific, including New Zealand, a few days later. This was the revised TPP, renegotiated after President Trump withdrew the USA from it in 2017. As had happened when the previous deal was signed, protesters took to the streets to decry what they saw as a highly undemocratic process leading to an agreement that would hand power from citizens to corporations. Critics of the deal complained about the lack of public consultation and warned that the agreement could be used to block the passage of environmental and health laws. They also expressed concerns over the **Investor-State Dispute Settlement System** that allows corporations to sue countries. New Zealanders **took to the streets** again in October, as the TPP passed its third reading in New Zealand's parliament, paving the way for its ratification. Civil society voices in New Zealand and elsewhere will continue to oppose the deal and expose its failings.

Civil society pressure also exerted on the international financial institutions that shape our world but over which we have little say. In July, ahead of the International Monetary Fund's (IMF) review of its conditionality policy, over 50 CSOs, including networks, trade unions, think tanks, women's groups, academics and anti-poverty campaigners, backed an **open letter** calling on the IMF to take a new approach centred on human rights and sustainable development. As the financial institution set out to review the requirements that it imposes upon states when it lends them money, civil society urged it to rethink a lending policy that has forced governments to impose austerity measures that hold down wages and restrict labour rights, with devastating effects on human rights, inequality and livelihoods.

Civil society will continue to focus on trying to democratise the IMF and other international financial institutions.

The annual meetings of the G20 group of the world's largest economies also offer an ongoing focus for civil society advocacy. Preceded by a series of smaller meetings throughout the year, in late November and early December, the leaders of the G20 countries held their annual summit in **Argentina's** capital, Buenos Aires. The G20 became a focus for advocacy, particularly from Argentinean and Latin American civil society, to challenge neoliberal policies and put human rights considerations at the core of its agreements on issues such as infrastructure, investment and trade.

Corina Rodríguez of **Development Alternatives with Women for a New Era** (DAWN) was part of this process. She describes civil society's engagement and protests around the G20 summit, which she sees as part of a wider trend of resistance against economic neoliberalism that included civil society action in the context of a **WTO meeting** held in Argentina in 2017:

Resistance is global. Both during the WTO meeting and the G20 summit, both of which I was able to participate in because they were held in Argentina, there was a strong Argentine and Latin American presence. I think this can be explained by two factors: the physical distance that separates us from the rest of the world and the strength that activism around these issues has in Latin America.

Regardless of which activists were able or willing to attend, what makes protest against the G20 global is precisely the nature of its target. The G20 includes the largest and most concentrated economies in the world. Including the countries that form the EU, which collectively are a member of the G20, it accounts for 85 per cent of the world's gross product. The decisions made and agreements reached by the governments of its member countries affect the

entire world. It is therefore only natural for resistance against the G20 to have a global character, even though its composition varies according to where the annual summits are held.

Civil society focused on denouncing the implications for human rights of the type of policies promoted by the governments of G20 countries, and fundamentally the impacts of the decisions made by concentrated capital and the actions of multinational companies on the ground. We affirmed that current global dynamics are leading to a scandalous increase in inequalities and to the systematic violation of human rights, and provided clear evidence, mostly from cases related to the actions of extractive companies. The other overall message is one of resistance: we need collectively to resist the policies driven by G20 countries and collectively build an alternative economy and a different society.

During the summit, various strands of civil society staged street protests. However, following the **violence** seen at the 2017 G20 summit in Hamburg, **Germany**, the context was one of reinforced security, in which the city centre was cordoned off, meaning that protests could only be staged a long distance from the summit site. Additionally, the Latin American Council of Social Sciences organised a counter-summit, the **First World Forum on Critical Thinking**, on the week before the G20 summit.

Corina describes some of the other civil society actions around the G20, including participation in the limited institutional spaces provided for civil society by the G20, where many in civil society had to confront the classic dilemma of whether to take part in flawed processes and potentially legitimise them, or stand outside them and potentially lose an opportunity for influence:

I belong to a feminist organisation of the global south, and therefore I was particularly involved in the work of the Feminist Forum. We organised something very similar to what had been done when the WTO met in Argentina in 2017- a week of action

that was initially thought of as action vis-a-vis the G20 but ended up being action against the G20. Various kinds of actions and interventions were staged. The Feminist Forum held a day of training in feminist economics. There were a couple of days in which more academic debates were held. Roundtables were organised dealing with the various topics that are discussed in these multilateral forums, from extractivism to the digital economy. And then there were a couple of days of street action: on the first full day, debates and panel discussions were held in tents pitched on the street, one of which was the Feminist Forum's. In there we held a discussion, staged a tribunal where cases were presented of human rights violations perpetrated by transnational companies, and held a Feminist Forum meeting to discuss strategy and perspectives.

*Members of the resistance movement against the G20 don't have a unified position regarding institutional spaces. DAWN's decision was to take advantage of them, and as a representative of DAWN I participated in the **Observatory of Women's Rights Human Rights Defenders**, charged with monitoring compliance with the implementation plan for the basic agreement points approved the previous year by the G20's engagement group on women's issues, the W20. We held some local and national-level activities and produced policy briefs and other written materials to influence those who would participate in the meetings and negotiate the G20 statements. We mainly worked with the G20 affinity groups, and in particular we deployed a lot of activity around the meetings of the working groups and summits of the **W20** and **C20** (the civil society group). There was also feminist participation in a third affinity group, the **T20** (of think tanks), which included a gender taskforce.*

Participation in the W20 was very controversial within the feminist movement, and it was hard. We did not attend as delegates, although we did participate from within to set our positions in the W20. This provoked many discussions with colleagues who believed that inside participation has a legitimising and validating effect. These are worthy arguments, but my conclusion after having been both inside and outside these spaces is that it was a good idea for us to stay within and for some colleagues of other organisations to accept the role of delegates, because otherwise the W20 statement would have been much worse than it actually was. It was very important that there were feminist voices in there, and that those voices were ours, because the person that the Argentine government appointed to lead the W20 was a businesswoman with a perspective that was not only not in the

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”



Protesters demanded wealth redistribution at the G20 meeting.

Credit: Nacho Sanchez/Getty Images

least feminist, but also quite paternalistic and completely divorced from the reality in which most people live.

The challenge for civil society, in responding to the global economic order and suggesting something better, is partly one of connecting what at present seem a range of scattered and sector-specific responses. The G20 offers a particular challenge: since the summit hops from country to country each year, and many of those who participate can only do so when the meeting is nearby, it can be a challenge in sustaining interactions and responses. This is a difficulty Corina identifies:

*Even though obviously not all of us are always everywhere, we become part of the resistance when the G20 meets in our country, and we hope the organisations and social movements of other countries will do the same when their turn comes. DAWN is an organisation of the global south and has members in Argentina, so it was only natural for us to get involved when the G20 meetings were held in Argentina. But we are not in the least contemplating mobilising in 2019 as the G20 gathers in **Japan**. This time around it was easy for us to participate, and not doing so would have been a wasted opportunity to be an active part of this resistance coalition in which we had already been taking part in other ways and on other occasions. We thought we needed to take advantage of the fact that this was happening in Buenos Aires so that our public resistance would serve to inform citizens about what the G20 is and what its implications and impacts are, as well as countering the narrative of success disseminated by the Argentine government. But action against the G20 is not among our strategic priorities: we will not be following the G20 around the world.*

This year's summit was a relative anomaly, because few countries of the global south are members of the G20. We hope that in 2019 Japanese civil society will take over; it would only be natural for resistance against the G20 to be led by Asian organisations and activists. While some larger organisations are based in the global north and have the means to go everywhere, logic indicates that in each case mobilisation will be primarily local and regional.

If resource constraints are a factor in limiting civil society response, the forces of right-wing populism and narrow economic nationalism (*see Part 3*) that civil society confronts in many places have deep pockets. There is much to be done, Corina concludes, to connect with people's real concerns and move on from current civil society attitudes, which may be defensive and

focused around trying to prevent further regression on past gains, to offer progressive alternatives that galvanise a fightback:

*Global activism, and particularly the kind that unfolds in these multilateral spaces, is strongly disconnected from people's experiences on the ground. Generally speaking, progressives have great difficulties in understanding people's experiences and choices, such as why people in **Brazil** voted for Jair Bolsonaro (see Part 3), or why people in **the Philippines** continue to support Rodrigo Duterte. People who live in a position of relative privilege are usually unable to imagine how people live in the slums of our metropolis. We should make an effort to understand the mentality of a woman whose son is being killed by drugs and wants the military to come in and take drug traffickers out. In short, global activism must reconnect with the real experiences of people on the ground.*

Generally speaking, the current environment is hostile and resistance is the priority. I do not think we are yet at a proactive stage in which alternatives are built; our number one imperative is to resist and protect the small achievements that we secured through so much effort over decades and that have strengthened rights and institutionalised equality policies. Although in the final analysis the preservation of these achievements will depend on whether an alternative narrative is built that allows us to bring regressive forces to a halt, unfortunately we have not yet reached that point. As we are now, any effort to build an alternative narrative would be extremely superficial. Progressive movements, at least in Latin America, and possibly elsewhere where the extreme right is on the rise, urgently need to do a critical self-assessment, without which they will hardly be able to move in any direction. Given experiences like those of the Workers' Party in Brazil, which initially inspired so much hope but ended up creating fertile ground for people to turn to someone

like Jair Bolsonaro, progressives should at least wonder what was done wrong, as a prerequisite for putting together a new progressive narrative.

As a feminist and a Latin American woman, I have my hopes set on the fact that in our region feminism has been working on the ground for years and, as a result, today more than ever it is nourished by the diverse life experiences of real women, and of people more generally. That is why it is much more plural and less class-biased than ever before. If there is one social movement that still has a vitality that is practically incomprehensible in this bleak context, it is feminism. That is turning it into one of the most relevant social actors both to sustain resistance and to build an alternative.

TOWARDS A BINDING TREATY ON CORPORATIONS AND HUMAN RIGHTS

One way in which civil society is working to make a difference to the current global economic order and hold corporations accountable for the vastly extended powers neoliberalism has conferred on them is to help develop a new treaty.

In 2014 the UNHRC adopted a **resolution** that launched a process to establish a binding treaty to regulate the activities of transnational corporations and hold them accountable for human rights violations under international law. The treaty would fill a key gap that has emerged in the international architecture as large corporations, particularly transnational organisations, have gained power sometimes equal to or greater than that of states.

Past **editions** of this report have tracked the treaty **process**. An open-ended intergovernmental working group with the mandate to put together the text of the treaty was established and held three sessions, in July 2015, October 2016 and October 2017. The Elements for the draft legally binding instrument were **issued** in September 2017, and in July a **zero draft** was presented, followed by a **draft Optional Protocol**. When a fourth session of the intergovernmental working group was held in October, negotiations began on the basis of those drafts.

Fernanda Hopenhaym of **Project on Organizing, Development, Education, and Research** (PODER), a regional CSO based in **Mexico**, explains why many in civil society see the need for a binding treaty on corporations and human rights:

Corporations play a key role in the global economy, and hold increasing power. Public-private links have deepened, the separation between the spheres of action of business elites and governments has become very tenuous, and this has contributed to state mechanisms failing to regulate and balance the interests of corporations with the public interest effectively. That is why it is key that organised citizens focus their efforts on demanding accountability, higher standards of transparency and responsibility from companies for the negative impacts of their operations on human rights and the environment.

*There are numerous examples of corporate abuses that have not been effectively addressed by states. The most notorious in Mexico is the case of the Sonora River, where the worst spill occurred in the history of mining in the country. Forty million litres of copper sulphate were spilled, which contaminated two rivers and affected almost 25,000 people. The culprit, a company with enormous power, has so far managed to **evade full compliance** with its obligations to provide compensation, and has even obtained new permits to expand the mine where the spill occurred.*

*In **Ecuador**, there is the case of Chevron-Texaco, which has caused oil pollution in the territories of indigenous communities, which have been **seeking** redress and justice for decades. In **Brazil**, the case of the **Samarco mine** stands out, which caused the collapse of a dam. This resulted in terrible pollution of the Doce River, even reaching the ocean and causing death and desolation in the communities of Mariana. I could bring up more examples from Latin America and beyond, of companies causing harm with total impunity and not being held accountable.*

Civil society working on human rights has increasingly identified abuse by companies as one of the roots of the problems it seeks to address. That is why the mobilisation to generate a legally binding instrument on transnational corporations and human rights has encompassed such a wide array of civil society actors, including movements as diverse as environmentalists, peasants, feminists and labour and indigenous groups. An instrument of this nature would address some of the issues that are weakening the role of states as guarantors of human rights, such as the transnational nature of big capital and the fact that negative impacts don't respect borders between jurisdictions.

As a result of this understanding, civil society mobilisation around the treaty has been sustained for years, involving multiple stakeholders and exploring a wide variety of tactics and spaces, as Fernanda outlines:

The mobilisation of organisations, networks and movements in recent years has been enormous. It has encompassed not only participation in formal spaces, both in the UN and within countries, but also the creation of its own spaces, public demonstrations, advocacy, communications and the generation of analysis and content to support the treaty process. In all these instances, the participation of Latin American civil society has been important.

*The two largest coalitions are the **Treaty Alliance**, a very broad*

global platform that promotes civil society involvement in the work leading to the treaty and calls on states to participate effectively, and the *Global Campaign to Dismantle Corporate Power*, which works on this agenda in addition to other issues related to human rights violations by corporations. Another very interesting space is that of *#Feminists4BindingTreaty*, which includes groups, organisations and individuals who promote the inclusion of a gender perspective in the treaty process. Finally, *PODER* and our partners in the region are leading a coalition of Latin American organisations to disseminate information and add more voices to this process.

Civil society, having engaged extensively in this process, criticises the current draft for falling far short of its expectations. As Fernanda relates, there is still much work to be done:

The zero draft is still a timid document, with much emphasis on access to justice and little on damage prevention. But it does lay some important foundations and gives us something concrete on which to start negotiations. A key issue we are concerned about is insufficient emphasis on establishing the primacy of human rights over trade and investment interests and agreements. Some other issues that will have to be refined have to do with the type of companies that the instrument refers to, as well as with jurisdictional issues – in particular, with the balance between reinforcing states' power to act within their jurisdictions and their extraterritorial obligations. Topics that have been included but need greater clarity include the following: due diligence on human rights, clauses on conflicts of interest and the establishment of a mechanism for monitoring and holding companies accountable. Some issues that are fundamental for civil society have also been left out, notably the establishment of protections for human rights defenders and the introduction of a gender perspective.

Throughout this process there have been much resistance, particularly from the EU and USA. In addition, Latin American countries have not reached unified positions, and it is very unlikely they will now. That is why the negotiation process and the production of further versions of the treaty are likely to take years, and only after that will the treaty come to light. From there on, there will be another stage leading to its signature and ratification.

It seems clear that the process will be lengthy but, as Fernanda concludes, civil society involved with the process has a commitment to stick with it and put in the hard work:

We in civil society will remain active and vigilant, since we believe that this process is a good opportunity to overcome obstacles to

Greenpeace activists prepare to display a banner on La Diana Cazadora monument to protest against the polluted air with the slogan 'the air in Mexico kills' in Mexico City, Mexico.

Credit: Carlos Tischler/Getty Images



guarantee the protection of human rights at a global level and to better regulate transnational corporate power. It is not a silver bullet, but we are convinced that it will be a step forward.

WHERE CIVIL SOCIETY MADE ALL THE DIFFERENCE: THE ESCAZÚ AGREEMENT

As the above makes clear, Latin American civil society is particularly concerned about the impacts on the environment and human rights of extractive industries, infrastructure megaprojects and large companies in general. To help address this, the region's civil society successfully engaged in another extensive negotiation process.

In March, 24 states of Latin America and the Caribbean adopted the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters for Latin America and the Caribbean, known as the **Escazú Agreement** in reference to the **Costa Rican** town where the last round of negotiations was held.

Like the Aarhus Convention adopted in Europe in 1998, the Escazú Agreement enshrines three pillars of environmental democracy: the right to access information, the right to participation and meaningful consultation, and the right to access justice in environmental matters. Underpinning its relevance for the region that consistently has the highest numbers of **assassinations** of environmental human rights defenders, and entrenched **impunity** for killings, the Escazú Agreement added a fourth pillar, focused on the rights of environmental defenders.

We asked **Marcos Orellana** of the Environment and Human Rights Division at **Human Rights Watch** about the significance of the agreement for environmental defenders:

The Escazú Agreement recognises the right to live in a healthy environment and requires each participating state to guarantee that right in its steps to comply with the treaty. This recognition gives environmental rights defenders legitimacy in their efforts to secure a healthy environment for all. Civil society in Latin America and the Caribbean has great hopes that the agreement can be a milestone on the road to ending the region's environmental conflicts.

The Escazú Agreement, unlike the Global Compacts on Refugees and Migration, is a binding instrument. It explicitly recognises the role of environmental human rights defenders and the state's obligation to protect them, including through the establishment of a specific protection regime articulated at three levels: ensuring a safe environment so they can do their work, taking appropriate and effective measures to protect their rights, and preventing, investigating and prosecuting attacks against them.

Marcos points out that civil society in the region worked for years to persuade governments to adopt a treaty on environmental democracy, and goes on to describe civil society involvement in its development and the victories it scored:

The road to Escazú was marked by more than five years of hard work following Rio+20, the 2012 UN Conference on Sustainable Development. The process was one of intense dialogue between the governments of participating countries and civil society groups in the region. It is rare for international negotiations to open up like this to allow the public to take the floor in real time and enrich the debate with their ideas and proposals. The effort paid off, as Escazú provides tools to strengthen democracy so that the promise of sustainable development can be realised in practice.

Civil society was instrumental not only in influencing the content of Escazú, but also in setting in motion the negotiation process.

Already in the lead up to Rio+20, organisations collaborating under the umbrella of The Access Initiative – a coalition working to advance participatory rights – advocated for the strengthening of the international normative framework for Principle 10 (P10) rights. P10 is the principle of the Rio Declaration on Environment and Development adopted by the Earth Summit in 1992 that enshrines the rights to information, participation and justice in environmental matters. Civil society persuaded key countries to take up the call for a regional instrument, and during the negotiations, civil society organised in working groups to analyse and influence the main themes of the regional instrument.

Owing to concerted civil society advocacy, Escazú is the first international treaty that includes specific protections for environmental defenders.

As this suggests, the Escazú Agreement was a landmark not only because it is binding and recognises the rights of human rights defenders, but also because of the space enabled for **civil society participation** in the negotiations. The Escazú Agreement offers a model of how civil society can be engaged, and how stronger international agreements can be achieved as a result. **Aída Gamboa** of the Peruvian CSO **Law, Environment and Human Rights (DAR)** describes how civil society made a huge difference to the final agreement:

The issue of human rights defenders was a civil society proposal that was not present in the first version of the agreement. This has undoubtedly been the greatest achievement and a historic milestone for environmental democracy, because no other international treaty has provisions for the protection of human rights defenders. The same goes for the inclusion of people in situations of vulnerability: we worked hard on a definition and pushed for its inclusion in the text of the agreement.

It was also civil society that promoted standards of socio-environmental information that should be disseminated to the wider public. We fought hard because there were many points states did not want to include, such as the registration of polluting agents or the dissemination of information on risks and environmental impact assessments, which were eventually included. It was also civil society that promoted the incorporation of preventive, precautionary and non-discrimination principles. In addition, a lot of work was done so that the definition of the public was as wide as possible. And civil society pushed so that the agreement would not allow for reservations. While we did not get everything we wanted, we are satisfied with the results we achieved.

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THE ESCAZÚ AGREEMENT OFFERS A MODEL OF HOW CIVIL SOCIETY CAN BE ENGAGED, AND HOW STRONGER INTERNATIONAL AGREEMENTS CAN BE ACHIEVED AS A RESULT.

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Aída offers a first-hand account of civil society participation:

*The 2014 decision that established a Negotiating Committee mandated public participation in the process. To make participation possible, the Economic Commission for Latin America and the Caribbean (ECLAC), which functioned as the Technical Secretariat of the negotiation process, established and coordinated the **Regional Public Mechanism**. More than 2,000 individuals and organisations registered with the mechanism to receive periodic information about the process and participate in the virtual and face-to-face meetings of the Negotiating Committee. All of us who participated in the face-to-face meetings had the right to speak on behalf of the public and to participate in all spaces. This was achieved thanks to close coordination work between civil society and elected representatives.*

DAR participated through the Public Mechanism since 2015, first virtually and since 2016 more intensively, taking part in the face-to-face meetings. In March 2015, all of us who were registered voted electronically for the election of representatives for the Public Mechanism. Civil society representatives had the right to participate in the meetings of the Negotiation Committee, working groups and any other spaces that might be established.

The Public Mechanism gave civil society a voice but no vote. However, in practice civil society had a lot of influence, as it was able to bring to the table proposals previously agreed among a large number of organisations, distribute them to the delegates and present them in the meetings. Civil society was able to influence the positions of many government delegates, and many of its proposals, although not all of them, were incorporated.

Thanks to the financial support of international foundations, it was possible to institutionalise a network of more than 30 CSOs, known as the LACP10 network. The civil society network

made comments and observations on all the articles of the text proposed by ECLAC, as well as on its later versions. The text was also distributed to all contacts and allies of the network's member organisations and their contributions were collected. Therefore, when they participated in the negotiation meetings, civil society representatives brought comments from all the organisations of the region that had been involved. We also had a communications and alliances strategy with international CSOs to make the agreement more widely known and discussed.

*The work of civil society with the governments that participated in the process had continuity and went beyond interaction with government delegates in the course of the negotiations. In each country, civil society focal points met periodically with officials of their respective governments. In **Peru**, DAR and the **Peruvian Society of Environmental Law** worked closely with the ministries of the Environment and Foreign Affairs to bring them the proposals of national and regional civil society and ensure that Peruvian delegates integrated them within the national proposal. This resulted in more consistent positions at negotiation meetings. In general, there was a lot of interaction between civil society and various governments, although public officials in some countries were more reluctant to receive proposals from civil society.*

While the process offers a strong model, one area where Aída sees room for improvement is in the diversity of voices, particularly of people directly affected:

The negotiation process was typically characterised by the presence of more or less large CSOs from each country, while the participation of the communities and HRDs whose rights the agreement seeks to protect was very limited. We would have wanted more indigenous leaders to have a voice in the negotiations, but there were great limitations on funding for

participation in the regional process, which we were only partially able to counter by seeking greater participation in national processes and through virtual networks.

The Escazú Agreement opened for signature in September, when 14 out of 33 Latin American and Caribbean states signed it. As the Agreement will remain open for signing for the next two years, CSOs are now working to publicise it and advocating for more governments to sign and ratify it. More than 33,000 people have signed an online **petition** demanding that their governments sign and ratify the Agreement and show a real commitment to the protection of human rights and the environment. Aída views this as an opportunity to expand participation:

All participating CSOs pledged to promote the signature of the agreement by the governments of their countries and its ratification by their legislatures. Soon we will set up an advocacy strategy so that the process of signature and ratification proceeds faster. So far, each country's CSOs are working domestically according to their possibilities, in connection with the coordinated strategy that we are already starting to prepare through virtual exchanges.

In the context of the ratification process, it will be essential for international civil society to contribute to disseminating the efforts of civil society in each country and at the local level. In Peru we are working so that citizens know the contents of the agreement. We believe there is a need to expand participation and we are making efforts to bring the agreement contents and the ratification process to the subnational level.

RECOGNISING THE VALUE OF CIVIL SOCIETY: THE 2018 NOBEL PEACE PRIZE

The Escazú Agreement offers hope that the work of human rights defenders will be respected, defended and recognised. Another way in which human rights defenders have repeatedly received international recognition is through the awarding of the **Nobel Peace Prize**. In 2018, the Prize was once again rewarded to human rights defenders, when it went jointly to Denis Mukwege of the **Democratic Republic of the Congo** (DRC) and Nadia Murad of **Iraq**, “for their efforts to end the use of sexual violence as a weapon of war and armed conflict.” Recognising the work of two courageous human rights defenders, the award pointed to the work that many others like them do to uphold human rights, in country after country and day after day.

This recognition followed previous awards of the Prize that celebrated civil society work: in 2017, the **International Campaign to Abolish Nuclear Weapons** was **awarded** the Prize for its leading role in advocating for the Treaty on the Prohibition of Nuclear Weapons. Previous winners included the **Tunisia** National Dialogue Quartet and several women’s rights, child and youth rights and peace activists, including Leymah Gbowee from **Liberia**, Tawakkol Karman from **Yemen** and Malala Yousafzai from **Pakistan**.

Denis Mukwege is a physician who has spent most of his adult life treating victims of sexual violence in the context of civil war in the DRC. He became an advocate for accountability, condemning impunity for mass rape and criticising governments for allowing or condoning the use of sexual violence against women as a strategy and weapon of war.



Congolese gynecologist Denis Mukwege and Iraqi human rights activist Nadia Murad were awarded the 2018 Nobel Peace Prize for their efforts to end the use of sexual violence as a weapon in war.

Credit: Rune Hellestad - Corbis/Corbis via Getty Images

Over the years, Dr Mukwege was repeatedly attacked for his work and survived an **assassination attempt** in 2012.

Nadia Murad, a member of the Yazidi minority in northern Iraq, is a survivor of war crimes. In 2014, when so-called Islamic State (IS) launched an attack aimed at exterminating the Yazidi population, several hundred people in Nadia's village were massacred, and younger women and children were abducted and held as sex slaves. Nadia was one of an estimated 3,000 Yazidi girls and women who were subjected to rape and other systematic abuses by IS forces. After escaping, instead of bowing to social taboos and remaining silent to avoid shame for the abuses she had experienced, she stood up to tell her story to the world and speak up for other women and girls. In 2016, when she was 23 years old, she was named the UN's first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking.

We asked **Susannah Sirkin** of **Physicians for Human Rights** to tell us more about the Nobel Peace Prize winners and the significance of their recognition:

Denis Mukwege, who I know personally, is an incredibly skilled and experienced gynaecologic surgeon from the DRC. He has become, unfortunately due to the wars in the DRC, an expert in treating victims of mass sexual violence in the context of the decades of brutal conflict. His medical specialty became treating patients with traumatic fistula – women who were sexually assaulted so violently that various functions of their internal organs were damaged and destroyed, causing pain, incontinence and many other problems. In the course of treating hundreds of people subjected to mass rape in Eastern Congo, he started to speak out, as a doctor, against the atrocities and the culture of impunity that continued to be the norm in his country, and he began to analyse and denounce the use of mass rape as a weapon of war and to bring the voices of survivors to the fore in the global context.

Dr Mukwege is eloquent, courageous, creative and imaginative. He is equally capable of speaking to heads of state and the UNSC as he is of talking to the people of Panzi, the small town where his hospital is located in the South Kivu province of eastern DRC. He has also mentored dozens of young professionals working to support survivors in DRC and beyond. He is a huge advocate for a holistic model of treating survivors of sexual violence: he recognises that medical care is not just about the immediate needs of survivors or rape – which are many, including the prevention of sexually transmitted diseases and dealing with possible pregnancy and mental health trauma – but also about supporting access to justice and social and economic reintegration and, above all, about restoring dignity and ending the stigma and shame that has silenced so many survivors. The transformation of Dr Mukwege from a doctor who treats each patient individually to a doctor who creates and advocates for peace and justice on the global stage is an extremely important model for doctors everywhere, and especially for those who are witnesses of human rights violations.

Nadia Murad is a young woman who was a victim herself—but she did not remain a victim and instead became a powerful and outspoken survivor. She survived what was clearly a genocide – the deliberate destruction of a people’s culture and community, their homes, the killing of men and boys, mass abductions and disappearances, the sexual slavery of women and girls. In this case, as in the cases of most survivors of sexual violence in conflict contexts, rape is just one of the many horrific atrocities inflicted on them.

What is remarkable about Nadia is that she came out of captivity, which involved unbelievable suffering – beatings, burning, rape – as a leading voice describing and denouncing the plight that she experienced along with thousands of women, and bearing witness to the genocidal violence against her entire community. She

overcame enormous trauma, transformed her brutal experience into witness, testimony and advocacy, and has become a voice for her people and against violence against women, and to demand accountability for the Yazidi genocide. Hers is also a call to look at survivors as whole persons and recognise their dignity as human beings and not just as victims of one crime or another.

The very fact that somebody like Nadia, who went through those experiences, can have a voice sends a powerful message to other survivors. This is very validating not just for the Yazidi people, who have suffered unspeakably, but also for women and girls anywhere who have suffered assault.

Both Nadia and Dr Mukwege, the survivor and the doctor, testify to this deep understanding of the whole person that demands our response. And they both call for addressing the continued global impunity for these crimes and ensuring that survivors not only have a voice, but they are respected and listened to, that they recover their dignity and eventually receive a full measure of justice – including reparation.

Susannah believes that this award of the Nobel Peace Prize can make a difference in terms of the visibility of wartime sexual violence, but there is still a long road ahead towards accountability and redress, which requires further change in the international human rights system:

This is the most visible and prestigious global prize for peace and human rights, and the eyes and ears of the world are focused on its announcement. The laureates got the opportunity to address the global community in their Nobel speeches delivered from Oslo on 10 December, International Human Rights Day. As long as the media captures these moments and focuses on these individuals, they have an extraordinary platform to speak to governments, to the international agencies doing work in conflict zones and to all of civil society. So this offered a terrific opportunity for them to continue to

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raise the issue and to point policy-makers and others in the direction of the concrete actions that are needed, because they are activists, they know their communities, and they know what needs to be done.

But there is more to be done at every step of the way. In almost any country, the biggest initial obstacle is the lack of confidence that survivors have in the law enforcement and justice system. So first, there needs to be safe access to reporting. Opportunities need to be provided for reporting to a person who is well trained to respect the survivor’s physical and emotional needs, understand the trauma that that person has been exposed to and master all the technical aspects to ensure that the case is properly documented, both clinically and forensically, to facilitate access to justice. This also requires a support network to provide assurances of safety and confidentiality, as well as a context where the survivor is not judged or stigmatised, or has their integrity questioned. More often than not, it is the victim who ends being interrogated instead of the perpetrator.

Second, there are failures of the justice system to address, including delays, lack of proper procedures to allow survivors to tell their stories safely and confidentially, and an inadequate understanding of the ways trauma affects memory or even the ways in which someone presents in front of a court of law. A lot of our training seeks to address these issues. Third, there is the limited supply of the economic and psychosocial support that survivors need. And last but not least, at the highest international level, there is the failure to prosecute the worst perpetrators, which makes it much more difficult for survivors to deal with the day to day crimes of rape and sexual assault.

There is a need for the international community to be more intentional about referring cases to international justice mechanisms, and not just drop them if, say, the UNSC fails to refer some case to the ICC. We now have investigation mechanisms – for **Iraq**, for **Myanmar**, for **Syria** – but they don’t have any judicial authority. We need to address the fact that the system is broken: we are giving people hope, we tell them that if they report they might get justice – but that is in fact not happening.