



Spotlight on Global Multilateralism

Perspectives on the future
of international cooperation
in times of multiple crises

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of international cooperation
in times of multiple crises

with contributions from



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Table of contents

Preface	6
Executive Summary: Reshaping multilateralism in times of crises	9
Compiled by Jens Martens	
Peace and Common Security	
Towards a New Agenda for Peace and Common Security	17
By Anna Sundström and Björn Lindh	
New Social Contract	
A New Social Contract for a gender-transformative agenda: the perspective of the global labour movement	25
By Paola Simonetti and Giulia Massobrio	
Preparing the global ground for transforming education systems	31
By Antonia Wulff	
Global Financial Governance	
Reforming the global debt architecture	39
By Patricia Miranda	
Strengthening global tax governance as cornerstone of an equitable and effective global financial architecture	45
By Chenai Mukumba	
IMF accountability to human rights: breaking the deadlock?	49
By Aldo Caliarì	
Box – The Fourth International Conference on Financing for Development	55
By Bodo Ellmers	
Future Generations	
The Maastricht Principles on the Human Rights of Future Generations	59
By Ana María Suárez Franco and Sandra Liebenberg	
Box – The Rights of Nature	65
By Tobias Gerhartsreiter	
Digital Future	
Global Digital Compact – linchpin for a future multilateralism?	69
By Anita Gurumurthy and Nandini Chami	
Multi-Level Governance	
Inclusive multi-level governance: the case for the meaningful involvement of local and regional governments and public service trade unions in the multilateral system of the future	79
By Edgardo Bilsky and Daria Cibrario	

Preface

The world is in permanent crisis mode. In addition to the unresolved impact of the COVID-19 pandemic and the global climate emergency with its extreme weather events, the geopolitical and economic consequences of the war in Ukraine and other violent conflicts are affecting large parts of humanity.

In such a situation, it should be clear that intensified international cooperation is urgently needed. But instead, nationalist and authoritarian regimes, with little interest in global cooperation have been on the rise in many countries. Even countries that rhetorically support multilateralism are de facto pursuing self-serving ‘my country first’ strategies - as in the global race for COVID-19 vaccines or for the world’s natural gas reserves. Their practice of double standards is seen by many as hypocritical and undermines the idea of multilateralism based on solidarity.

In his report *Our Common Agenda* UN Secretary-General António Guterres sent a wake-up call to UN Member States. Under the slogan “breakdown or breakthrough”, he called for new ways to work together to overcome the multiple crises. He proposed a Summit of the Future, which he described as “a once-in-a-generation opportunity to reinvigorate global action, recommit to fundamental principles, and further develop the frameworks of multilateralism so they are fit for the future”.

UN Member States agreed that the Summit will take place on 22 and 23 September 2024 in New York, preceded by a preparatory ministerial meeting the day before the SDG Summit in 2023. They stated that the Summit of the Future

“has an important role to play in reaffirming the Charter of the United Nations, reinvigorating multilateralism, boosting implementation of existing commitments, agreeing on concrete solutions to challenges and restoring trust among Member States” (A/RES/76/307, para 1).

The outcome of the Summit will be an intergovernmentally negotiated “Pact for the Future”.

The preparatory process for this Summit provides a unique opportunity not only for governments and the UN but also for civil society organizations, trade unions and researchers to shape the global discourse on the future of multilateralism and global cooperation. Our Spotlight Report on Global Multilateralism aims to contribute to this process. It offers critical analyses and presents recommendations for strengthening democratic multilateral structures and policies, reflected in effective national counterparts and accountable institutions. The report cannot cover all of the issues that are currently being discussed in the preparations to the Summit of the Future. Rather, it shines a spotlight on a few key areas. These include peace and common security, reforms of the global financial architecture, calls for a New Social Contract and inclusive digital future, the rights of future generations, and the transformation of education systems among others.

The report also identifies many of the built-in deficiencies and weaknesses of current multilateral structures and approaches. This applies, inter alia, to concepts of corporate-influenced multi-stakeholderism, for instance in the area of digital cooperation. On the other hand, in the face of political blockages the report also explores alternatives to purely intergovernmental multilateralism, such as increased cooperation among cities and regions at the international level.

Seventy-five years after the adoption of the Universal Declaration of Human Rights, a key challenge is to create mechanisms to ensure that human rights - as well as the rights of future generations and the emerging rights of nature - are no longer subordinated to the vested interests of powerful economic elites in multilateral decision-making. The series of upcoming global summits, from the SDG Summit 2023 and the Summit of the Future 2024 to the 4th Financing for Development Conference and the second World Social Summit 2025, provide opportunities for governments to get the priorities right.

This Spotlight Report on Global Multilateralism is supported by civil society organizations and trade unions from different regions and thematic areas. Their contributions reflect their rich geographic and cultural diversity. But what all contributions have in common is their conviction that timid steps to address systemic issues and the constant repetition of the agreed language of the past will not be enough to deal with the current crises. More fundamental and systemic changes in policies, governance and mindsets are necessary to regain trust and to foster multilateral cooperation based on solidarity and international law.

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Executive Summary: Reshaping multilateralism in times of crises

COMPILED BY JENS MARTENS

When Heads of State and Government met in September 2020 to commemorate the 75th anniversary of the United Nations, they painted a bleak, but realistic, picture of the global situation:

“Our world (...) is plagued by growing inequality, poverty, hunger, armed conflicts, terrorism, insecurity, climate change and pandemics. People in different corners of the world are forced to make dangerous journeys in search of refuge and safety. The least developed countries are falling behind, and we still have not achieved complete decolonization.”¹

They concluded that what was needed is a revitalized multilateralism;

“Our challenges are interconnected and can only be addressed through reinvigorated multilateralism. (...) Multilateralism is not an option but a necessity as we build back better for a more equal, more resilient and more sustainable world. The United Nations must be at the centre of our efforts.”²

But since then, the interrelated crises have multiplied. In addition to the consequences of the COVID-19 pandemic and the triple planetary crisis of climate change, biodiversity loss and pollution, there have been the geopolitical and economic effects of the war in Ukraine, a worldwide cost of living crisis and an intensified debt crisis in more and more countries of the global South.

Scientists are now even warning of the risk of a global polycrisis, “a single, macro-crisis of interconnected, runaway failures of Earth’s vital natural and social systems that irreversibly degrades humanity’s prospects”.³

Human rights, and especially women’s rights, are under attack in many countries. Nationalism, sometimes coupled with increasing authoritarianism, has been on the rise worldwide. Rich countries of the global North, especially the EU and the USA, continue to practice inhumane migration policies toward refugees. At the same time, they pursue self-serving and short-sighted “my country first” policies, whether in hoarding vaccines and subsidizing their domestic pharmaceutical industries, or in the race for global natural gas reserves. This has undermined multilateral solutions and led to a growing atmosphere of mistrust between countries.

“Trust is in short supply”, UN Secretary-General António Guterres told the Security Council in August 2022.⁴ Consequently, Member States defined one of the main purposes of the Summit of the Future in September 2024 to be “restoring trust among Member States”.⁵ António Guterres had proposed to hold such a Summit of the Future as “a once-in-a-generation opportunity to enhance cooperation on critical challenges and address gaps in global governance (...)”.⁶

1 UN General Assembly (2020), para. 4

2 Ibid., para. 5

3 Homer-Dixon et al. (2021)

4 <https://press.un.org/en/2022/sgsm21421.doc.htm>

5 UN General Assembly (2022a), para. 1

6 <https://www.un.org/en/common-agenda/summit-of-the-future>

Member States will determine the final topics and outcome of the Summit of the Future. However, the UN Secretary-General has already set out the thematic framework in his report *Our Common Agenda*⁷ and subsequent statements and policy briefs.⁸ The spectrum of topics ranges from a New Agenda for Peace, a Global Digital Compact and mechanisms to take the interests and needs of future generations into account, to reforms of the International Financial Architecture.

The Summit offers an opportunity, at least in theory, to respond to the current crises with far-reaching political agreements and institutional reforms. However, this presupposes that the governments do not limit themselves to symbolic action and voluntary commitments, but take binding decisions - also and above all on the provision of (financial) resources for their implementation. Without such decisions, it will hardly be possible to regain trust between countries.

Of course, it would be naive to believe that the risk of a global polycrisis could be overcome with a single summit meeting. But the series of UN events and negotiation processes of the coming two years can certainly contribute to shaping the political discourse on the question of which structural changes are necessary to respond to the global crises and to foster multilateral cooperation based on solidarity. As a special issue of the *Society for International Development* journal stated: “Reimagining multilateralism is ‘a long but urgently necessary journey.’”⁹ The Summit of the Future can mark a milestone on this journey.

Civil society organizations, trade unions and researchers have formulated comprehensive positions and recommendations that can inform the discourse about the future of multilateralism. Some of their analyses and key messages are compiled in this report. They address the following topics:

A New Agenda for Peace and Common Security: The need to move away from the idea of nuclear deterrence as

a foundation of international security, identified in the early 1980s, is more urgent than ever. The concept of Common Security can be the alternative to nuclear competition and the threat of mass destruction. The Olof Palme International Centre, the International Trade Union Confederation (ITUC) and the International Peace Bureau (IPB) have taken the initiative to analyse how this 40-year-old concept, established by the Palme Commission in the midst of the Cold War, can be adapted to today’s realities. Their recommendations are practical steps, but also set out a vision for a better, safer world (*see article by Anna Sundström and Björn Lindh*). They aim to strengthen the global architecture for peace, inter alia, through giving more power and authority to the General Assembly on security matters (to avoid individual Member States paralyzing the whole UN common security system), and through holding a Helsinki II process in 2025, 50 years after the first Helsinki agreement laid the foundations for the Organization for Security and Co-operation in Europe (OSCE). They call for a new ‘peace dividend’, against the current mainstream trend, and propose to convene a special UN General Assembly for disarmament 2023/2024 to set a global commitment to reduce military expenditures by 2 percent per year. They urge the nuclear powers to reinstate arms control treaties, like the Intermediate-Range Nuclear Forces (INF) Treaty. And they call for binding rules for new military technologies and outer space weapons, to prohibit autonomous weapons systems and to prevent further militarization of outer space.

A New Social Contract: Global crises require global solutions, and one of them is to embrace a New Social Contract, as the collective commitment to realize key worker demands (*see article by Paola Simonetti and Giulia Massobrio*). For the ITUC, a New Social Contract comprises the following six elements: 1) the creation of decent and climate-friendly jobs with just transition; 2) the fulfillment of rights for all workers; 3) minimum living wages and equal pay policies; 4) universal social protection, including the establishment of a Social Protection Fund; 5) policies to end all forms of discrimination, such as by race or gender; and 6) ensuring a truly inclusive multilateral system, where countries of the global South have the policy space to define their development models. The

7 UN Secretary-General (2021)

8 <https://www.un.org/en/common-agenda/policy-briefs>

9 Prato/Adams (2021)

targets of the Global Accelerator on Jobs and Social Protection for Just Transitions, launched by the UN Secretary-General in September 2021, match the trade union demands for a New Social Contract. For instance, the Accelerator sets out a target to create at least 400 million jobs by 2030, primarily in the green and care economies. The care economy is particularly crucial to realize the ambitions of the 2030 Agenda on the participation of women in the labour market and to overcome structural gender-based discrimination. For women workers, the global gender pay gap is still more than 20 percent and the labour force participation gap stands at 27 percent.¹⁰

Reforms to the Global Financial Architecture: The current global financial architecture is deeply dysfunctional and strongly biased towards the interests of the rich countries of the global North. Just recently, the UN Secretary-General called for a reform of the global financial systems through “a new Bretton Woods moment”.¹¹ New risks such as interest rate increases, higher inflation, collateralized debt and the impact of the COVID-19 pandemic and climate-related disasters are a dangerous combination that already signals that the world is headed towards a new global financial crisis. Key reform areas are the global debt architecture and the global tax governance which as structured, make it impossible for developing countries to mobilize resources needed to meet development goals, including the Sustainable Development Goals (SDGs) agreed in 2015. Among the key measures needed to reform the current debt architecture are the establishment of a multilateral debt restructuring mechanism under the auspices of the United Nations, an automatic suspension of debt payments when borrowing countries are on the verge of a debt crisis and a comprehensive debt sustainability assessment that allows for the timely identification of debt relief and restructuring needs before a country becomes distressed and defaults (*see article by Patricia Miranda*).

To improve the levels of domestic resource mobilization, much can be done at the national level. But

national economies do not operate in a vacuum and are affected by decisions that are made at the global level. With regard to tax cooperation and efforts to curb illicit financial flows these decisions have been taken so far mainly in the OECD, the exclusive club of the rich countries. The lack of a universal and inclusive global tax architecture has been highlighted as a problem by many countries and civil society organizations, such as, for many years, Tax Justice Network Africa (*see article by Chenai Mukumba*). There is an urgent need to establish a universal intergovernmental tax body under the auspices of the UN and to negotiate a UN Tax Convention to address tax havens and tax abuse, particularly by transnational corporations and wealthy individuals, and other forms of illicit financial flows. The most recently adopted UN General Assembly resolution on the “promotion of inclusive and effective international tax cooperation at the United Nations”, tabled by the African Group, marks a historic turning point and is a concrete step towards reforming the system.¹²

Reforms to the international financial architecture are not only necessary with regard to institutional changes and new governance mechanisms, but also with regard to the normative framework. This is especially relevant for the human rights obligations of the Bretton Woods Institutions, and the IMF in particular (*see article by Aldo Caliari*). The IMF considers that, as a monetary agency, international human rights law does not apply to it. But some of the topics currently covered by the IMF, such as social spending, clearly fall under the application of human rights standards, while others traditionally under IMF jurisdiction have human rights dimensions to consider. To fill the normative governance gap, the creation of an expert panel on the human rights dimensions of IMF programmes could be a first step to embedding human rights in the policies of the organization. The proposed panel would be independent from the IMF and take complaints from individuals or groups who allege damage as a result of an IMF loan or programme.

¹⁰ ITUC (2022)

¹¹ <https://press.un.org/en/2023/dev3447.doc.htm>

¹² UN General Assembly (2022b)

Recognizing the Human Rights of Future Generations:

In his report *Our Common Agenda* the UN Secretary-General emphasized the importance of strengthening solidarity with younger and future generations. The *Maastricht Principles on the Human Rights of Future Generations*, adopted in February 2023, provide an important guide to ensure that any action in this regard is in line with international human rights law (see article by Ana María Suárez Franco and Sandra Liebenberg). Future generations are essentially voiceless and largely unrepresented in decision-making and yet their human rights will be profoundly affected by actions and failures to act in the present. The Principles apply the tripartite framework of obligations to respect, protect and fulfil human rights to future generations. They provide illustrative examples of what would constitute violations of the human rights of future generations, for instance the failure to effectively regulate, and where appropriate prohibit, scientific research and activities that pose a reasonably foreseeable and substantial risk to the human rights of future generations, including genetic engineering and geo-engineering. Necessary measures to fulfil the human rights of future generations include phasing out unsustainable consumption and production patterns that jeopardize the Earth's ability to sustain future generations whilst recognizing that wealthier States must proceed more expeditiously under the principle of common but differentiated responsibilities and respective capabilities.

Transforming Education Systems: Of particular importance for current and future generations is the human right to education. The COVID-19 pandemic has had a disastrous impact on education, hitting already underfunded and overburdened public systems, and affecting millions of already marginalized children, young people and communities. In response, the UN Secretary-General convened the Transforming Education Summit, the first-ever summit at the level of Heads of State and Government devoted to education. The aim was to get the world back on track towards the goal of quality education for all but also to jumpstart the necessary transformation of education systems. The summit did not result in any decisive actions, but it did provide an opening to address some systemic challenges (see

article by Antonia Wulff). These include the need to improve global education coordination and to increase public education financing. With two thirds of low and lower-middle income countries having cut their education budgets since the start of the pandemic, a third of the poorest countries spending more on debt servicing than on education, and 85 percent of the world's population expected to live under austerity constraints in 2023, education budgets are under real pressure. Therefore, the Call to Action on Educational Investment represents an important step in recognizing the systemic issues underpinning education financing, including the need “to remove obstacles such as public sector wage bill constraints that prevent increased spending on education”.¹³

A Socially Just Digital Transition: One of the proposed outcomes of the Summit of the Future is a Global Digital Compact (GDC) which is expected to outline principles for an “open, free and secure digital future for all”.¹⁴ But it is still unclear whether the GDC will be able to make up for the governance deficit resulting from the lack of a global home for digital public policy issues and the dominance and agenda-setting power of the Big Tech companies. The UN needs to make a clean break from the history of corporatized rule-making for the digital future and the trust in multistakeholder governance (see article by Anita Gurumurthy and Nandini Chamli). Instead, the GDC should seek consensus for a multilateral mandate on digitalization and sustainable human futures along five key axes: 1) initiating a treaty process on digital human rights that articulates the nature of individual and collective autonomy in the epoch of data and AI as well as the right to development for an equitable international data order; 2) setting up a new specialized agency on frontier technologies and sustainability sciences (akin to the International Telecommunications Union created at the dawn of the telecommunications era); 3) mobilizing dedicated public financing for development cooperation in digital infrastructure capabilities; 4) internationalizing governance of Critical Internet Resources, the

¹³ <https://www.un.org/en/transforming-education-summit/financing-education>

¹⁴ <https://www.un.org/techenvoy/global-digital-compact>

platformized cybersphere, and ICANN; and 5) overhauling global multilateral rules in trade, intellectual property and taxation for a just digital future.

Strengthening Inclusive Multi-level Governance: Multilateralism is no longer just a matter for national governments. Every day, local and regional governments (LRGs) and their workers and trade unions are on the frontline of the world's intersecting global crises. However, their role is not yet adequately recognized in the global multilateral system, although cities, regions and their international associations such as the United Cities and Local Governments (UCLG) play an increasingly active role (*see article by Edgardo Bilsky and Daria Cibrario*). In the context of efforts to achieve the 2030 Agenda, for example, they are working together with other networks and municipal alliances in the Global Taskforce of Local and Regional Governments.¹⁵ If humanity is to successfully tackle the crises of our times, a structural shift in multilateralism is needed to make it more democratic and inclusive. This is why LRGs seek a full-fledged permanent seat at the decision-making table of the multilateral system, as per the UN Secretary-General's proposal to create a UN Advisory Group of Local and Regional Governments. Besides, trade unions and community organizations should be organically included and meaningfully consulted in global policymaking, and in multilateral institutions and processes, as they bring their unique frontline expertise that is so critical to implement all global agendas.

In view of the global challenges, the existing governance deficits and the growing recognition of the need for global cooperation, steps toward a solidarity-based multilateralism are essential. They require a fundamental strengthening of democratic global governance structures and the reduction of power imbalance between global economic and financial institutions and UN agencies responsible for human rights and sustainability. In concrete terms, this means that the relevant UN bodies, in particular the Human Rights Council, the Economic and Social Council (ECOSOC) and the High Level Political

Forum on Sustainable Development (HLPF), must be strengthened and no longer subordinated de facto to international financial institutions and exclusive clubs such as the G20.

Institutional strengthening of the UN also requires closing global governance gaps in areas still dominated by exclusive clubs of rich nations or creditors, such as the OECD (e.g., on tax cooperation) and the Paris Club (on debt policy).

Furthermore, strengthening multilateral cooperation also requires adequate, predictable and reliable funding for the UN system. The UN and most of its specialized agencies are far from achieving this. Governments must reverse the trend toward funding UN institutions through voluntary, earmarked contributions. The increased dependence on the interests of a few financially strong donors, public and private, contradicts the principle of democratic governance and impairs the flexibility and autonomy of the organizations.

Finally, the UN must be equipped not only with the necessary financial resources but also with effective political and legal instruments. This requires a commitment to reverse course on the reliance on non-binding instruments, voluntary commitments and public-private partnerships to pursuing the kind of solidarity-based multilateralism needed to address today's global crises.

¹⁵ www.global-taskforce.org

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Peace and Common Security

Towards a New Agenda for Peace and Common Security

BY ANNA SUNDSTRÖM AND BJÖRN LINDH

When the situation in the world is gloomy, we need initiatives that can provide hope for the future. At a time when the Cold War threatened to turn into a devastating nuclear war, the concept of “Common Security” was established by an international commission led by then Swedish Prime Minister Olof Palme. The commission concluded that in a nuclear war there are no winners. Both sides must realize that they have a common problem to deal with. The concept of Common Security was the guiding one when disarmament negotiations between the United States and the Soviet Union eventually got under way.

In 2022, 40 years after the Palme Commission, the Olof Palme International Center, International Trade Union Confederation (ITUC) and International Peace Bureau (IPB) took the initiative to form a new international commission that analysed how the concept of Common Security today can be a tool for a better world. The text below is based on the report *Common Security 2022*.¹

Common Security for a more secure world

The world stands at a crossroads. It is faced with a choice between an existence based on confrontation and aggression or one to be rooted in a transformative peace agenda and common security. In 2023, humanity faces the existential threats of nuclear war, climate change and increased poverty as well as the ongoing COVID-19 pandemic. This is compounded by a toxic mix of inequality, extremism, nationalism, gender-based violence and shrinking democratic space. How humanity responds to these threats will decide our very survival.

2022 marked the 40th anniversary of Olof Palme’s Independent Commission on Disarmament and Security Issues. The Commission presented its report in 1982, at the height of the Cold War, based on the

concept of Common Security – the idea that nations and populations can only feel safe when their counterparts feel safe.

The Common Security report comes at a time when the international system faces severe challenges. A devastating war is raging in Europe and unceasing conflicts continue to plague people in far too many places. We are witnessing a global crisis marked by the inability to stop global warming, environmental degradation, and a long list of conflicts where the international community has failed in its response.

Our common systems and structures – needed to provide security, combat poverty and inequality and prevent human suffering – are inadequate, and frequently ignored or violated. The future of humanity depends on us fixing the struggling global order. If we fail to repair our common systems, we will also fail in our fight against the climate crisis and future pandemics.

¹ Olaf Palme International Center (2022). The report also contains a presentation by the High Level Advisory Commission.

There is ongoing militarization in most parts of the world, with rapid increases in military spending accompanied by nuclear threats. But nuclear and military deterrence strategies have categorically failed to achieve peace and stability. It is time for a renewal of the global security system, based on Common Security principles.

Common security risks today

Today human existence faces both old and new threats and challenges. There are also issues that were apparent 40 years ago but have become more pronounced in recent years. The Russian invasion of Ukraine has been accompanied by a threat of nuclear weapons use, which is an alarming echo of Cold War rhetoric. The climate crisis is an enormous existential risk for humankind. Meanwhile, inequality and rising authoritarianism have a corrosive and insidious effect on global society.

Challenges to multilateralism in a multipolar world: In 1982, the world was largely divided into two camps, East and West (with the countries of the Non-Aligned Movement in between), but since the end of the Cold War new powers have come onto the world's stage with differentiated interests and alliances. Yet, despite these geopolitical realignments, strategic competition and power struggles between nations continue unabated. Borders have shifted and alliances have waxed and waned; but conflict and violence remain constant.

In the twenty-first century, populations and nations cannot expect to isolate themselves from the rest of the world in order to live securely. It is clear that global issues cannot be solved by individual nations, only by multilateral cooperation among them.

Global warming and the climate crisis: In addition to nuclear weapons, the world is facing a new existential threat in the form of the climate crisis. Climate-related risks have far-reaching implications for the health of humanity and the planet. If unaddressed, climate change will cast a major shadow over humanity's survival.

Climate change is already affecting the lives of people around the world. Global temperature rises are fuelling droughts and wildfires. Extreme weather, such as storms and floods, threaten people's lives and livelihoods and expose millions of people to acute food and water insecurity.

There are many other major environmental challenges that are linked to the climate crisis. Biodiversity and habitat loss, and the impoverishment of those who once were able to subsist on the land, are just some of the examples.

When environmental problems – such as lack of water – become too big, then the result is social unrest, conflict and war. There is an alarming overlap between ecological degradation and conflict.

Inequality: The Olof Palme Commission met between 1980 and 1982. During the 1980s and after, neoliberal globalization became the dominant economic model. Individualism and profit maximization, coupled with minimal investment in jobs, wages and social security, have left the world with a ticking time bomb of critical inequality.

Forty years later, rising income inequality is widely seen as the main cause of increasingly polarized politics, and the ascendance of populism and nationalism.

All too often, political conflict spirals into violence and war. Social unrest, exclusion and alienation also lead to violence outside of conflict areas, such as urban violence, the rise in power of organized crime and domestic violence. The presence of conflict also leads to an increased likelihood of terrorism.

The discrimination against and marginalization of different groups evident across the globe today are symptoms of an extremely unequal world; one that exacerbates the differences among us. Nearly half of the world's population – 3.4 billion people – survives on less than US\$ 5.50 a day. Meanwhile, women around the world earn 24 percent less income than men and own 50 percent less wealth. Global income inequality is increasing, not only within, but between and among nations.

Authoritarian regimes – shrinking democratic space:

The past two decades have seen a growing democracy gap, with a continual expansion of authoritarian rule and a decline in major democracies. Civic space, with respect for the right to assemble, organize and collectively bargain over terms of employment, is under threat. In 2020, the level of democracy enjoyed by the average global citizen was down to levels last found around 1990, according to the V-Dem Institute.²

Shrinking democratic space and increasing tyranny is a threat to human security, frequently resulting in the use of force and aggression. Non-democratic states not only threaten regional and global peace, but also fail to provide safety or security for their own citizens.

Many people have not seen a dividend from democracy and feel left behind by society. This disconnect has led to a breakdown in trust between people and governments. With democracy on the back foot, systemic corruption, right-wing populism and extremism are filling the void in many countries. Recent history has shown that this situation leads to autocracy, aggression and competitive rivalry – rather than cooperation for collective progress.

Militarization: At the time of the original Palme Commission, nuclear weapons were clearly the most powerful lethal force. Unfortunately, in the twenty-first century the threat of nuclear war remains undiminished. There are more than 13,000 nuclear warheads in the world today – thousands of which are ready to be used in an instant and are far more powerful than those used on Hiroshima and Nagasaki.

Military expenditure continues to rise and to divert funds from social and environmental investment. According to the Stockholm International Peace Research Institute (SIPRI), world military spending has been rising since the 1990s. Total global military expenditure continued to grow in 2021, reaching an all-time high of US\$ 2.1 trillion.³

A call to action

Forty years on from the original Palme Commission, the challenges of our interdependent global society demand, more than ever, collaboration and partnership rather than isolation and distrust. Common Security is about human beings, not just nations. Now, in 2023, it is time to consider whether the concept of Common Security can help bring us back from the brink.

“Trust is in short supply”

“... today’s collective security system is being tested like never before. Our world is riven by geopolitical divides, conflicts and instability. From military coups, to inter-state conflicts, invasions, and wars that stretch on year after year. Lingering differences between the world’s great powers — including at this Council — continue to limit our ability to collectively respond. Humanitarian assistance is stretched to the breaking point. Human rights and the rule of law are under assault. Trust is in short supply.”

UN Secretary-General in August 2022 at a Security Council meeting on Promoting Common Security Through Dialogue and Cooperation.⁴

The need to move away from the idea of nuclear deterrence as a foundation of international security is more urgent than ever. The nuclear threats used by nations—implicitly or explicitly- reveal the flimsy basis upon which nuclear deterrence is supposed to work. Humanity will not survive a nuclear war, nor can we prepare for or mitigate the consequences of nuclear war. So, an alternative path must be found. A positive and cooperative approach to security must be developed, as a means to making people and governments feel secure. Common Security is the alternative to nuclear competition and the threat of mass destruction.

The COVID-19 pandemic has demonstrated that without international cooperation, a global crisis is very difficult to address. Incremental change is not sufficient to save humanity. Action at government level needs to be complemented by action at the

² V-Dem Institute (2022)

³ SIPRI (2022)

⁴ <https://press.un.org/en/2022/sgsm21421.doc.htm>

level of local communities. A new social contract must be established, and a new dialogue of peace should replace the narrative of militarization and competition.

Common Security requires action from not just governments but also from national parliaments and from civil society – including from civil society organizations (CSOs), social justice and peace movements, faith communities, women’s and youth movements and trade unions. In addition, the corporate sector has a responsibility to respect human rights and to contribute to human security, as stipulated by the UN’s Guiding Principles on Business and Human Rights.

There is an urgent need for institutions and laws that engage and involve citizens and not only policy- and decision-makers, in cross-border discussions, fairer trade negotiations, climate solutions, reducing inequality and peace and confidence building. Civil society must act as a watchdog, a motivating force, and a counterweight to political posturing. Furthermore, CSOs must play an active role in advocacy work and raising awareness.

The threat of war and its consequences have not diminished over the years. But political will, people power and a collective attitude can lead to change. There is still time to be innovative and ambitious in reframing security and reimagining our world.

Recommendations

The Common Security 2022 recommendations are indications, or steps forward, in the process of removing the threat of nuclear annihilation and turning around the ‘super tanker’ of war and conflict. They are practical steps, but also set out a vision for a better, safer world. They aim to motivate public opinion and have a positive impact on policy- and decision-makers about what is necessary and achievable. It is for others to take these proposals forward – in particular the UN with a broader engagement of civil society rather than just of governments.

A selection of recommendations is presented here.⁵

Strengthen the global architecture for peace

- Encourage regional bodies, such as the African Union, the Community of Latin American and Caribbean States (CELAC), the South Asian Association for Regional Cooperation (SAARC), the Gulf Cooperation Council and the Association of South-east Asian Nations (ASEAN), to develop frameworks that incorporate the principles of Common Security, and to build structures that can mediate and build confidence between antagonistic sides. Deter the creation of new military alliances and reassess existing military alliances – using cooperation based on common security as an alternative.
- Establish or renew the global and regional peace architecture, building on the model of the Organization for Security and Co-operation in Europe (OSCE). Hold a Helsinki II process in 2025 – 50 years after the first Helsinki agreement laid the foundations for the OSCE and proposed that human rights and freedom of expression should be the foundation of peace.
- Integrate climate-related security risks into United Nations conflict-prevention strategies. Commit to the sharing of green technologies, the redistribution of military resources for tackling the climate threat and the promotion of alternative solutions to environmental problems. Ensure justice for those nations most affected by climate change – through reparations, population relocation and support for climate-resistant infrastructure.
- Reform the UN to give more power and authority to the General Assembly – particularly on security matters – to avoid individual Member States paralyzing the whole UN common security system.

⁵ The full list of recommendations can be found in Olaf Palme Center et al. (2022).

A new peace dividend – disarmament and development

- Convene a special UN General Assembly for disarmament in 2023/2024 to set a global commitment to reduce military expenditure by 2 percent per year. Set a global ambition to abolish nuclear weapons to free-up more than US\$ 72 billion annually.
- Use the reduction in military spending to generate a ‘global peace dividend’ to fund the UN Sustainable Development Goals, UN peacebuilding and a just transition to climate friendly jobs. Establish a UN ‘just conversion’ institution and aim to create 575 million new jobs by 2030 – through converting jobs and technology in the weapons industry into environmental and health innovation, and vaccines and treatments.
- Invest in human security by creating a New Social Contract that tackles inequality. Forge such a contract by implementing the 2019 Centenary Declaration of the ILO ensuring that all people benefit from the changing world of work;⁶ holding a World Social Summit in 2025; setting-up a Global Social Protection Fund; creating a universal floor of workers’ rights; establishing a multilateral binding treaty that imposes human rights due diligence on companies across supply chains, and regularize more than one billion informal and platform jobs.

Revitalized nuclear arms control and disarmament

- Reinstatement of arms control treaties, particularly regarding nuclear weapons and their delivery systems, for example, the Intermediate-Range Nuclear Forces Treaty (INF). As a first step, a moratorium on a deployment of the INF land-based systems in Europe should be introduced. Parties to the Nuclear Non-Proliferation Treaty (NPT) must urgently develop and present concrete, time-bound plans of how they intend to implement their obligation to implement nuclear disarmament. Ensure that the Comprehensive Nuclear Test-Ban-Treaty (CTBT) enters into legal force.

- States are encouraged to sign and ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW). Nuclear-armed states should engage with the treaty and send observers to the meeting of States Parties.
- Resume with urgency nuclear arms reductions, with a view to achieving the elimination of all weapons of mass destruction.
- All nuclear-weapon states must establish a firm ‘no first use’ policy.
- Revisit the idea of establishing nuclear-weapon-free-zones, particularly in the Middle East/West Asia, Northeast Asia, and in Europe.

New military technologies and outer space weapons

- Ban cyberattacks on nuclear command and control systems, accompanied by a disentanglement of conventional and nuclear weapons command and control systems.
- Prohibit autonomous weapons systems, to ensure that humans keep control over weapons and armed conflict.
- Strengthen the Outer Space Treaty and establish a new culture of responsible space governance to prevent further militarisation of the domain.
- Limit hypersonic missiles and create a timeframe for banning these weapons.

⁶ International Labour Organization (2019)

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A New Social Contract for a gender-transformative agenda: the perspective of the global labour movement

BY PAOLA SIMONETTI AND GIULIA MASSOBRIO

The world is facing a convergence of interconnected global crises that are taking a devastating toll on people and the planet and turning decent work into an illusion for the majority of workers. Faced with such a context, the ITUC calls for a renewed multilateralism to support a New Social Contract based on six key demands: 1) the creation of decent and climate-friendly jobs with just transitions; 2) rights for all workers; 3) minimum living wages and equal pay; 4) universal social protection; 5) equality; and 6) inclusion.

The workers' call for a New Social Contract is making its way into key global policy discussions, such as the UN Secretary-General's "Our Common Agenda" proposals and the UN Global Accelerator on Jobs and Social Protection for Just Transitions. Still, in order to achieve the 2030 Agenda, national governments urgently need to step up their commitments and work together with social partners to build transparent, inclusive and gender-transformative multilateral frameworks under the UN leadership.

The "polycrisis" era

We have entered 2023 with a series of concurrent and interlinked global crises: the so-called "polycrisis", referring to "a cluster of related global risks with compounding effects, such that the overall impact exceeds the sum of each part".¹

COVID-19 is far from over. In the last three years, the death toll from the pandemic is in the millions, hundreds of millions of jobs have been lost, and billions of people in developing countries remain excluded from decent jobs, vaccination, and medical care. Moreover, the responses of many governments,² and of international financial and trade institutions, have been manifestly inadequate.

Conflict and violence are on the rise. The world is facing the highest number of violent conflicts since World War II, and two billion people live in places affected by conflict.³ Among these conflicts is the Russian aggression against Ukraine, which has dire global implications in terms of access to both food and energy.

The negative impact of climate change is accelerating and destroying lives and livelihoods. The need to end our reliance on fossil fuels could not be more evident. Yet countries are backtracking on their commitment to phase out coal instead of switching to renewable energy.⁴

Democracies and the rule of law are increasingly under attack. Even before the pandemic, massive inequality – income, racial and gender – was already

1 World Economic Forum (2023), p. 57.

2 ITUC (2020), ITUC (2021/2022)

3 UN Security Council (2023)

4 ITUC (2022a)

driving an age of anger with civil unrest and distrust in democracy. Racism, discrimination and oppression cost lives, as the persecution of Irani and Afghani women dramatically shows.

The world of work has paid a high price. Global economic growth in 2023 is estimated to be under 2 percent, with serious implications for employment creation. The global jobs gap stood at 473 million people in 2022,⁵ two billion people are trapped in the informal economy and most of the world's population lacks social protection.

The ITUC Global Monitor on SDG 8 shows that the world is not progressing when it comes to economic well-being, employment quality, labour vulnerability and labour rights.⁶ On the contrary, the ITUC has recorded that the crises have exacerbated a decades-long trend in the erosion of workers' rights,⁷ as well as a century-long decrease in the labour share of GDP.⁸ In other words, hundreds of millions of people are unable to meet their basic needs. Women workers are particularly affected, as they face structural gender-based discrimination, which explains why the global gender pay gap is still above 20 percent and the labour force participation gap lies at 27 percent.⁹

In addition, the current energy crisis and rising inflation are further eroding the purchasing power of workers and their families.

Against the backdrop of this grave scenario, the current international cooperation trends seem unable to provide effective solutions.

The number of countries facing economic collapse under the weight of unsustainable debt is growing.

5 ILO (2023)

6 The ITUC SDG 8 composite indicator covers 145 countries corresponding to more than 97% of the world population and is calculated on the basis of four sub-domains related to: Economic Well-Being, Employment Quality, Labour Vulnerability and Labour Rights. See <https://oecd-development-matters.org/2021/07/20/a-new-social-contract-for-a-job-rich-recovery/>

7 ITUC (2022d)

8 ITUC (2022b)

9 ITUC (2022e)

Ongoing global crises are pushing more and more developing countries into debt distress and default, and the spectre of another 'lost decade' in progress towards the SDGs looms. Yet, the international financial system has fallen far short of what is needed to deliver long-term solutions for debt relief and sustainability.¹⁰

The ambition of "moving from billions to trillions"¹¹ through the mobilization of private finance seems simply not realistic without a strong broader sustainability perspective in line with the SDGs – including social impacts, such as impact on job creation, income equality and a just transition.¹² Moreover, closing the SDG financing gap requires significantly stepping up public concessional finance, including through multilateral development banks offering long-term and counter-cyclical financing to developing countries.¹³

Last but not least, the financing commitments through development cooperation have been so far delivered too little, too late. The target of achieving 0.7 percent of Gross National Income (GNI) to Official Development Assistance (ODA) is far from being met.¹⁴ The same is true for the missed objective of US\$ 100 billion climate finance by 2020, which has now been extended to 2025.¹⁵

A New Social Contract is a must, and it is feasible

At the 2023 World Economic Forum in Davos, the UN Secretary-General António Guterres rightly stated:

10 UNCTAD (2023)

11 The stated ambition taken by the World Bank, the International Monetary Fund and several other multilateral banks in their 2015 joint discussion note "From Billions to Trillions: Transforming Development Finance" was to leverage private finance in order to meet the 2030 Agenda. See IMF/World Bank (2015).

12 ITUC (2021)

13 There are more than 400 development banks in the world, representing cumulative assets of more than US\$ 11.4 trillion. With their capital provided by governments, development banks make commitments each year of US\$ 2 trillion, or 10% of the world gross fixed capital formation.

14 ODA in 2021 represented only 0.33% of donors' combined Gross National Income (GNI). See OECD-DAC (2021).

15 Achampong (2022)

It would be difficult to find solutions to these global interlinked problems in the best of times, and in a world that would be united. But these are far from being the best of times – and the world is far from being united. Instead, we face the gravest levels of geopolitical division and mistrust in generations.¹⁶

Global crises require global solutions. This is precisely what multilateralism should deliver: collective solutions that work for people and the planet.

For the ITUC, one such collective solution is to embrace a “New Social Contract”, as the commitment to realize six worker demands:

Creation of decent and climate-friendly jobs with just transition: industrial transformation to achieve net-zero carbon emissions, along with investments in strategic economic sectors, such as the care economy, the green economy and sustainable infrastructure.

Rights for all workers, regardless of their employment arrangements, to fulfil the promise of the ILO Centenary Declaration with its labour protection floor including rights, maximum working hours, living minimum wages and health and safety at work.

Minimum living wages and equal pay policies, by enforcing statutory minimum wages that guarantee dignity for all workers and their families, and putting forwards equal pay policies to guarantee equal pay for work of equal value.

Universal social protection, including the establishment of a Social Protection Fund for the least wealthy countries.

Equality: ending all discrimination, such as by race or gender, through inclusive labour market policies, redistributive public policies, and collective bargaining.

Inclusion: ensuring a truly inclusive multilateral system, engaged in redressing the current imbalance of power and wealth, and where developing countries have the policy space to define their developmental

models and use social dialogue as a key means of implementation of the 2030 Agenda.¹⁷

A New Social Contract is not only a moral must. It is also financially feasible if we succeed in establishing a stronger and inclusive multilateral system based on shared prosperity rather than austerity, with strengthened development cooperation, sustainable and fair mechanisms for sovereign debt restructuring, fair taxation and trade rules that allow policy space for industrial policy, along with due diligence laws for business accountability.¹⁸

The central role of the United Nations in realizing a New Social Contract

Workers’ demand for a New Social Contract is central in the UN Secretary-General’s report “Our Common Agenda”, with its call for universal social protection, decent work, labour protection floors with just transition, and a renewed multilateralism based on solidarity.¹⁹

It is also increasingly visible in the discussions of the UN Commission on Social Development, whose 2021 and 2022 session recognized the need for “adequate labour protection to all workers”, social dialogue, minimum wages and investment in care and the fight against violence and harassment.²⁰ Another key UN-led process, the Financing for Development Forum, recognized in 2022 the value of investing in the care economy and tackling the gender pay gap.²¹

Furthermore, the targets of the “Global Accelerator on Jobs and Social Protection for Just Transitions”, launched by the UN Secretary-General in September 2021, match the trade union demands for a New Social Contract.²²

¹⁷ ITUC (2022)

¹⁸ ITUC (2022g)

¹⁹ See <https://www.ituc-csi.org/ituc-welcomes-un-secretary-general-report-to-accelerate-the-2030-agenda>

²⁰ UN (2022), p. 27 and <https://www.un.org/development/desa/dspd/2023/01/csocd61/>

²¹ <https://www.un.org/development/desa/financing/events/2022-ecosoc-forum-financing-development/>

²² ITUC (2022h)

¹⁶ World Economic Forum (2023a)

For instance, the Accelerator sets out a target to create at least 400 million jobs by 2030, primarily in the green and care economies. ITUC research shows that a repeated annual increase in public spending by just one percent of GDP within the care economy, the green economy and infrastructure would yield major economic returns that exceed the initial level of investments made.²³

The care economy is particularly crucial to realize the ambitions on the participation of women in the labour market and on building fairer and more inclusive societies, as two-thirds of the global care workforce is composed of women, often trapped in underpaid, precarious and informal jobs. At the same time, the employment creation potential is huge. The ILO estimates that a global investment in universal childcare and long-term care would create 280 million jobs by 2030 and would boost the employment rate of women by 78 percent, with 84 percent of the jobs being formal.²⁴ As shown in a recent ITUC report *“Putting the Care Economy in place: Trade Unions in Action Around the World”*, trade unions have been at the forefront of initiatives to implement comprehensive care economy frameworks through collective bargaining and social dialogue.²⁵

Moreover, the Accelerator calls for extending social protection floors to about four billion people currently not covered by any measures. ITUC research has shown that closing social protection funding gaps is a social and economic investment. For example, estimates for Bangladesh show that increasing social spending by 1% of GDP alone would lead to a 13% reduction in poverty, a 1.9% increase in tax revenue, and a 1.5% increase in GDP – thereby fully compensating the increased costs.²⁶

Finally, the Accelerator recognizes the importance of social dialogue among governments, workers’ and employers’ organizations in the design of jobs and social protection policies.²⁷ In fact, social dialogue is

integral to the promotion of decent work for all and, by bringing together social partners and institutions, it is also a pillar that supports fundamental freedoms and strong institutions as outlined by Sustainable Development Goal 16.

A renewed multilateralism as the way forward

Witnessing the New Social Contract progress into global policy discussions is encouraging. However, national governments urgently need to step up their commitments to deliver on the 2030 Agenda if they are to make tangible headway. More inclusive multilateral frameworks with stronger accountability mechanisms will be key for any future agenda on sustainability.

In its 2022 World Congress, the ITUC reaffirmed its commitment to multilateralism and its support of the United Nations “as the peak multilateral body”. However, the ITUC also stresses that the UN reform “must increase accountability and effectiveness, recognizing the responsibilities of member states to support the UN Charter and its work”.²⁸

The centrality of the UN will certainly need to be reinforced to deliver on existing and new commitments for a renewed global sustainable development agenda beyond 2030. The next couple of years will be the most crucial in that regard, with key possible appointments resonating across the global arena, such as the 4th Financing for Development Conference and the World Social Summit.

We need a new model of global governance to redress the current imbalance of power and uneven distribution of wealth at an international level. A truly inclusive multilateral system where social partners are on board and have a say will make the difference and pave the way to global resilience.

23 ITUC (2023)

24 ILO (2022)

25 ITUC (2022f)

26 ITUC (2022c)

27 ILO (2022a)

28 <https://www.ituc-csi.org/5co-final-statement-en>

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Preparing the global ground for transforming education systems

BY ANTONIA WULFF

With the launch of the UN Secretary-General's report *Our Common Agenda* in September 2021 came a long overdue and somewhat unexpected endorsement of education as one of the big global issues. The COVID-19 pandemic had a disastrous impact on and in education systems, hitting already underfunded and overburdened public systems, and affecting millions of already marginalized children, young people and communities. In response, the UN Secretary-General convened the first-ever summit at the level of Heads of State devoted to education. The aim was to get the world back on track towards the goal of quality education for all but also to jumpstart the necessary transformation of education systems. The summit fell short of expectations but did provide an opening to address some systemic challenges. The question now is what happens next, and whether the global governance of the education sector and the multilateral system more broadly can address the changes required of governments and of the International Financial Institutions (IFIs).

Considering the context: underfunded and overburdened education systems

We are now officially halfway to the deadline to realize the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). A deadline that seemed so far off is around the corner – and before we know it, our energy will shift towards a post-2030 process. As has been stated time and time again, we are lagging far behind on the 17 Goals.

In the education sector, it is not even a matter of lagging behind: in the last couple of years, we have seen a regression, with key indicators moving in the wrong direction.¹ This is of course in part a consequence of the COVID-19 pandemic, which forced schools and education institutions to close down in 194 countries, affecting 1.6 billion students. School closures at such a scale were unprecedented and no system was prepared for the sudden shift to remote teaching and learning.

However, today's situation is not caused solely by the pandemic. It is about broader developments in the governance and financing of public services more generally, and in education more specifically, which were brought to the fore and aggravated by the pandemic.

Education is an age-old development priority. Over the years, it has moved from being an exclusive privilege to being recognized as a human right. Governments committed to universal primary education through the Education for All agenda and the Millennium Development Goals (MDGs), and most recently, to ensuring universal completion of primary and secondary education through the adoption of SDG 4.

As governments have been under pressure to expand access, education systems have found themselves catering to an ever-growing number of students, often without the required increase in investment and staff. Concurrently, there has been a shift in terms of how governments and their role are perceived and positioned, with emphasis increasingly placed on the limits of government – whether in an

1 UNESCO/UNICEF/World Bank (2021)

ideological push for small government or framed as a more pragmatic consequence of constrained fiscal space. As public budgets have shrunk, many governments have encouraged and facilitated the participation of private actors.

Public authorities should determine how education is organized and its quality ensured. This is also in line with the human rights framework: governments are responsible for ensuring the right to education. While SDG 4 links the goal of universal completion of free primary and secondary education to issues of equity and inclusion, it doesn't address the fact that this requires public investment.

This failure, of course, goes beyond SDG 4. In reality, the blurred lines between public and private actors cut across the 2030 Agenda. Not only is the accountability framework toothless, it also fails to distinguish between the different roles and responsibilities of actors. Governments are only mentioned a few times in the 2030 Agenda and are, in most cases, listed as one of many in a broader global partnership, followed by the private sector, civil society, the UN system and other actors. The only areas where governments are to be in charge are in the follow-up, review and setting of national targets.

What this leads to is a situation in which all actors are cast as equally important and all implementation equally good: as long as children are in school and scoring well on tests, it is irrelevant how and by whom education is provided and paid for. Yet, these are the policy choices that determine whether an education system is truly equitable, inclusive and of quality. And, these are the policy choices that make up a social contract.

A new attempt at the global governance of education

When SDG 4 was agreed, the global education sector had long experience to draw upon, with the Education for All agenda dating back to 1990. In 2015, the education sector had a governance structure, a blueprint for SDG 4 implementation, the SDG 4-Education 2030 Framework for Action, and a set of thematic indicators for monitoring progress.

Yet, implementation was slow and the perceived marginalization of education was a source of constant concern within the sector: “a key development outcome, but with limited attention from political leadership and investors”, as it was put by a high-level UNESCO official in a meeting recently. The dramatic impact of the pandemic has now given a new impetus to the longstanding discussion on the shortcomings of global education coordination. In the wake of COVID-19, UNESCO launched a multistakeholder process to design a new mechanism for overseeing and guiding SDG 4 implementation. The new SDG 4-Education 2030 High Level Steering Committee (HLSC) was subsequently established in November 2021, designed to provide political leadership on global education priorities and create stronger accountability incentives. It has a leadership group with Ministerial representation, led by the President of Sierra Leone and the Director-General of UNESCO, and a more technical sherpa group. Member State representation is rotational, with two states per region being elected for a two-year period. Each region is also represented by a regional organization. The other stakeholders with a dedicated seat are UNICEF; the World Bank; the OECD; the Global Partnership for Education; donors; civil society; teachers' organizations and a shared seat for foundations and the private sector, and youth and students, respectively.²

It is too early to tell whether this new mechanism will deliver on its mandate, also given the singular focus to date on the preparations and follow-up to the Transforming Education Summit (TES). But there is certainly strong commitment to making the mechanism work, and the high-level political representation has the potential to bring about a new form of ownership and engagement from Member States.

Towards a renewed global commitment: the Transforming Education Summit

The COVID-19 pandemic and its deep impact on education systems ended up showcasing the central role of education in the lives of people – and in a number of different development outcomes. It revealed that

2 For more information, see <https://www.sdg4education2030.org/hlsc>

education is a lifeline, without which some of the most vulnerable children and young people lose out on access to nutrition, basic health care and social interaction and care, and are at direct risk of child labour and child marriage. Many of the children affected will never return to school.

This alarming situation elevated concerns that we in the sector have long had over the equity, inclusion and quality of education, as evidenced by the UN Secretary-General in his policy brief *Education in the time of COVID-19 and beyond* published a couple of months into the pandemic, in which he called on governments to address the unequal consequences of school closures and protect education budgets.³ In *Our Common Agenda*,⁴ the Secretary-General took this further by announcing his intention to convene a Transforming Education Summit (TES) to accelerate progress towards SDG 4 and help orient education systems towards the future.

The process was ambitious: built around five thematic priorities – equity and inclusion; skills for life and work; teachers; digitalization; and financing – the Summit was to have three different outcomes. These were: national commitments by governments; a vision statement of the Secretary-General; and a number of spotlight initiatives. In addition to global thematic consultations, governments were asked to convene national consultations.

Preceded by a three-day Pre-Summit hosted by UNESCO in June 2022, the Summit was subsequently held over three days in conjunction with the UN General Assembly in September 2022. A total of 131 governments submitted National Statements of Commitment, and while these did not share a common format, some trends can be observed:⁵ 123 countries committed to making education more equitable and inclusive, 102 to supporting the digitalization of education, 81 to improving teacher training, 66 to making curriculum reforms, and 49 to measures related

to post-pandemic recovery. However, these broad themes mask hugely divergent ambitions: supporting digitalization ranges from investing in infrastructure and internet connectivity to establishing new online platforms and training teachers. It is also hard to determine whether a commitment presented at TES is a new commitment, or just a reassertion of existing policy or ambitions.

While the lack of a negotiated outcome document allowed for a more ambitious vision statement, with an emphasis on education as a right and public good, equity and inclusion, and public investment, it is unclear in what ways it will be used – if at all.⁶ The spotlight initiatives, in turn, are partly linked to the five priority areas and are led mostly by UN agencies. Specific follow-up actions related to teachers were one of the main demands of Education International, and we were very pleased with the last-minute inclusion of an initiative focused on teachers.

A broader approach to education financing

One area in which TES has the potential to move the needle is financing. With two thirds of low and lower-middle income countries having cut their education budgets since the start of the pandemic,⁷ a third of the poorest countries spending more on debt servicing than on education,⁸ and 85 percent of the world's population expected to live under austerity in 2023,⁹ education budgets are under real pressure.

Approximately one third of the 131 countries made a commitment to increase public investment in education, using the official SDG 4 benchmarks of 4-6 percent of GDP and 15-20 percent of public expenditure. However, almost a quarter of countries pledged to increase the participation of the private sector. The great majority of these countries are low-income countries. What this means more concretely is an increase in public-private partnerships, particularly in vocational education and training; development

3 UN (2020)

4 UN Secretary-General (2021)

5 All currently available national statements are found here: <https://www.un.org/en/transforming-education-summit/member-states-statements>

6 UN Transforming Education Summit (2022)

7 UNESCO/World Bank (2021)

8 Save the Children (2022)

9 Ortiz/Cummings (2022)

projects; and digitalization efforts. Some also mention the need for increased incentives for private sector participation.

At the same time, the Call to Action on Educational Investment represents an important step in terms of the education sector finally recognizing the systemic issues underpinning education financing.¹⁰ The 2021 Paris Declaration¹¹ had already placed education financing in the broader context of domestic resource mobilization, but this goes further by calling for “ambitious and progressive tax reforms”, nationally as well as internationally; and “action on debt relief, restructuring and in some cases, cancellation, for any country spending more on debt servicing than education”. What is remarkable here is that there is no reference to private actors or the usual praise of the role and the contribution of the private sector. Focus is firmly on increasing fiscal space for education.

Importantly, the Call to Action also urges the International Monetary Fund (IMF) “to remove obstacles such as public sector wage bill constraints that prevent increased spending on education,” even if the IMF itself declined the invitation to attend the Summit. The practice of coercive policy advice to governments to either cut or freeze public sector wage bills directly undermines efforts to achieve SDG 4, particularly given the dramatic shortage of qualified teachers.¹² A number of speakers at the Summit called on the IMF to come to the table and to stop undermining public education systems. The Education 2030 High Level Steering Committee (HLSC) has already requested a special session on education at the Spring meetings of the IMF and the World Bank in 2023.

The Call to Action also gives the HLSC a mandate to discuss systemic issues, which is particularly interesting given its new composition with ministerial representation. Indeed, the HLSC meeting in late 2022 included a minister reflecting on the experience of negotiating with the IMF and dealing with their bias

against public education. The World Bank already has a seat at the table and we look forward to them joining this conversation too.

What next?

While the Transforming Education Summit did not result in any new money or decisive actions, it signalled to governments that the crises in education are urgent and require governmental responses – and that is the kind of leadership that should be exercised by the UN. It placed financing at the centre of this response, and called on governments to invest more in education, flagging the scale of both the funding gap and its adverse impacts. Importantly, it placed education financing in a broader systemic context, connecting it to issues of tax, debt, aid and the policies of the IFIs, thereby opening up a new avenue to pursue genuine commitments to increased public investment in education.

The Transforming Education Summit of course still took place within a multilateral system in which binding agreements are rare. The SDGs could be adopted exactly because the ambitious targets were not tied to specific policies, implementation modalities or financing arrangements. Now the success of both the SDGs and climate agreements depend on accountability. We desperately need a global governance system that interrogates the structural barriers to progress, including the fundamental imbalance in power and resources between countries. There has to be a political mandate to examine the limited progress made over recent decades, despite the world now being richer than ever.

The newly established Global Education Mechanism is tasked with following up on the outcomes of TES. So far, there has been more interest in financing than in any other area. There are also high hopes for education commitments from both the Summit of the Future in 2024 and the Social Summit in 2025. The question is whether the multilateral global governance system is capable of addressing the changes required of governments and of the IFIs.

¹⁰ UN Transforming Education Summit (2022a).

¹¹ UNESCO (2021)

¹² Action Aid/Education International/Public Services International (2021)

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Global Financial Governance

Reforming the global debt architecture

BY PATRICIA MIRANDA

Debt distress, defaults and the increasing debt burden on the budgets of countries in the Global South are a threat in the current context of multiple crises, putting in evidence the fragility of the current financial architecture and taking the world backwards in the elimination of inequalities and poverty. At the same time, we are witnessing a lack of timely and efficient measures to deal with current debt problems but also to prevent debt deterioration in many countries. The impacts of pursuing conventional mechanisms that don't fit the need for a long-term debt resolution are regrettably borne by the people that are more exposed to economic, social and climate vulnerabilities.

The experiences and failures of debt restructuring efforts reflect the fact that there is a “non-system” in place for an ordered debt restructuring mechanism and this is why in the middle of a polycrisis with no precedents, with debt trends increasing while debt service is prioritized at the expenses of people, the international financial community needs to start urgently taking the right steps towards debt architecture reform, as part of a new financial architecture that finds a fair balance of power between developed and developing countries.

Alarms are not loud enough to start a transformation?

With one crisis stalling after the other, one of the impacts of the polycrisis is the steep increase in debt levels in developing countries. While the global “solutions” implemented since the beginning of the pandemic were primarily focused on low-income countries (LICs), the impact has imminently reached at the same time to middle-income countries (MICs). The crises are global but not all countries have the same chance to recover.

Despite the warnings from several stakeholders including civil society organizations, global decision-makers were not able to address, in a timely manner, liquidity and solvency problems with a middle and long-term sustainability approach. The G20 had offered debt suspension to LICs during the

COVID-19 crisis, but because this did not include actual debt reduction, it could not provide the debt resolution needed by eligible countries. The G20's “Common Framework” that was adopted later failed to include private creditors in debt relief, so it is not able to provide fair and speedy solutions to debt crises either. In the case of MICs, the issuance of Special Drawing Rights (SDRs) was the main measure that benefited them after the pandemic.

Some countries were already in debt distress when COVID-19 arrived, and the situation of many others deteriorated due to the pandemic and rapidly turned into debt distress. Global debt increased more in 2020 than in any other year in the last 50 years.¹ The last wave of debt started in 2010, and has already seen

¹ Gaspar/Medas/Perrelli (2021)

the largest, fastest, and most broad-based increase in debt in emerging market and developing economies in the past 50 years.² Debt levels in emerging economies and developing countries remained high during 2021, reaching close to 65 percent of GDP – considering only gross public debt – and the upward trend is expected to continue over the next years until it reaches or exceeds 75 percent. This implies that in the following years the debt service burden is expected to increase and countries will have to use more fiscal resources for debt repayment, with the caveat that tax revenues might not increase in the same proportion to guarantee a path of debt sustainability and achieve fiscal rules.

Debt problems and risks vary from one country to another in terms of creditors composition and financial conditions. However, what is not different are the debt impacts over the people that are more exposed to vulnerabilities in a context of unequal recovery and unresolved crises. A unique, agile and ordered debt resolution mechanism for a group of countries in debt distress, instead of on a case-by-case process, would have been more effective.

For countries in distress and even for those labelled as “having sustainable debt”, the prioritization of debt service payments in this context of multiple crises is fulfilled at the expense of health, social protection, education, climate action and resilience and other basic needs, in other words, at the expense of people and nature. States cannot provide needed resources to combat multiple crises, where they do not have equal access or equal terms of access to needed finance, and where they are being forced to redirect funds and shrink needed socioeconomic expenditures to repay creditors.³

The new risks such as interest rates increases,⁴ higher inflation, collateralized debt, hidden debts, to name a

few, are, worrisomely, a dangerous combination that already signals that the world is on its way to a new global financial crisis. Unfortunately, alarms are not sounding as loud as they should, to allow for urgent measures and prevention policies.

After the experience of several “mechanisms” to coordinate debt renegotiation in the past, there should be lessons learned to feed into a new debt architecture. However, the fact that traditional processes with the same key actors in charge remain still at the core in a “non-system” of debt restructuring, with made-up changes but no deep structural transformations towards a long-term and sustainable resolution, demonstrates that the world needs now, more than ever, a reform of the debt architecture.

Why the current global debt architecture is not fit for purpose

- The IMF is a creditor that plays a key role in debt management, debt sustainability, debt renegotiation and debt restructuring in a non-independent process. It is an institution based on a quota vote system that keeps the power in the hands of a few advanced economies.
- Other traditional groups of creditors such as the Paris Club are still relevant, although western bilateral creditors are not the main group of creditors in the current debt landscape. Bringing new creditors around the debt negotiation table is not ideal when the need is for a different, independent and non-asymmetric process.
- Existing practice for debt crisis resolution is fragmented, uncoordinated, unfair and characterized by too little relief that comes too late, leaving countries unable to address debt problems comprehensively and caught in a process driven mostly by creditors’ needs.⁵ As a recent Atlantic Council analysis of debt restructuring in Zambia stated: “The current approach to sovereign debt restructuring is still plagued with many deficiencies.”⁶

2 Kose/Nagle/Ohnsorge/ Sugawara (2020)

3 UN General Assembly (2021)

4 The Federal Reserve has raised interest rates to the range of 4.5% to 4.75% (in February 2023), while the European Central Bank has raised the interest rate on the marginal lending facility to 3.25% (in February 2023) and the Bank of England has raised rates to 4% (in February 2023). In all three cases, rates are expected to continue rising in 2023.

5 UN General Assembly (2021)

6 Tran (2022)

- Liquidity problems have been addressed through the G20 Debt Service Suspension Initiative (DSSI), but a suspension instead of a debt service cancellation only postponed the fiscal problem of repaying debt obligations during the pandemic.
- Solvency problems and the need for debt renegotiation have not been addressed by the G20's Common Framework for debt treatments (CF), which in two years has not led to successful results in the four African countries that applied for it. The experience of Chad, the only country which has completed the Common Framework process “took two years to get to a deal with its creditors after which it did not receive any debt reduction”.⁷ Now Ghana has applied for debt treatment under the CF and is expecting a more agile process. Under the current trends, there will be more countries in need of a debt resolution process. What will happen if all countries in need would ask to be part of the CF? The non-system of debt restructuring would probably collapse. A case-by-case basis in a context of polycrisis is part of the too little-too late approach. Paris Club creditors have been putting China on the spot as the reason why the CF does not work efficiently. Despite the importance of China as a creditor for the African countries that have requested CF debt treatments, a global sovereign debt workout mechanism needs more than China for debt resolution, when in general the main creditors in developing countries are multilaterals and the private sector. Bilateral renegotiations with the private sector have taken place in some countries in Latin America and Africa, but they are complex, inefficient and long processes.
- Measures as Collective Action Clauses (CACs) in bond contracts – which aim to prevent litigation by vulture funds in case a sovereign debtor needs to restructure its debts – are important and need to be included in all sovereign bonds' issuance, but are not a silver bullet. In any case, bonds with CACs are not currently a significant portion of the debt portfolio.
- The current methodologies for Debt Sustainability Analysis (DSA) that the IMF has developed do not sufficiently incorporate a gender approach, SDG financing needs and the Climate Agenda. While DSAs should help countries adopt a sustainable financing strategy by calculating how concessional the loans need to be in order to prevent debt crises, they only allow an estimate of country capacity for debt payment with some dangerous degree of overoptimism in its projections.
- Another problem is related to Credit Rating Agencies (CRA). When the pandemic hit, CRAs downgraded the credit rating of the majority of Latin American countries and other developing countries, which makes credit even more expensive in a context of urgent concessional financing needs. The same could happen in the aftermath of extreme climate events, considering that credit rating agencies tend to penalize climate vulnerable countries, downgrading their credit rating. There is a conflict of interest when an oligopoly of private agencies rates the financial situation of countries.

Unequal burden sharing of restructuring costs

In a context of debt crisis and power imbalances, impacts are not equal for all, but all parties should bear the burden of the solutions. Borrower countries are subject to external shocks, they didn't have a role in deploying the worst crises in more than 100 years. In a “non-system” where creditors lead the debt treatment processes, the unequal relationship and burden most of the time fall mainly on borrower countries, which ultimately carry the higher costs of restructuring. This implies that borrower countries' people are the ones that carry these costs, with expenditure cuts, fiscal consolidation and other medium-term adjustments resulting from austerity measures.

What is needed: A fair system, a new debt architecture

The need for a fair debt architecture system has been characterized over time by identifying the needs and negative impacts of the current “non-system” in place.

⁷ Tamale (2023)

A new debt architecture is needed to contribute to:

- Achieving the Sustainable Development Goals (SDGs).
- Implementing the climate agenda, in particular to finance climate adaptation with non-reimbursable financing in the Global South.
- Fulfilling human rights.
- Eliminating the vicious circle of debt for countries in need, which bear more pressure to accelerate the extraction of non-renewable resources to repay debts.
- Achieving a fair economic and financial system where debt is not a geopolitical mechanism to enable creditors power to prevail against debtors.

Among key measures needed to reform the current debt architecture are the following:

- Establish a **debt restructuring process under a multilateral framework**, under the auspices of the United Nations, guaranteeing the elimination of any asymmetries between creditors and debtors in terms of access to comprehensive information and with an independent technical support to the country team in charge of the renegotiation process. An important achievement to build on are the UN's Basic Principles on Sovereign Debt Restructuring Processes which were adopted by the General Assembly in 2015.⁸
- Establish an **automatic stay on debt payments** when borrowing countries are close to a debt crisis and at the initiation of a sovereign debt restructuring process, to truly look after the short- and long-term sustainability.
- Implement a **comprehensive debt sustainability evaluation** that allows for timely identification of the debt cancellation and the debt restructuring needs before a country falls into debt distress and

defaults. These criteria should be comprehensive, including ratios of debt service to fiscal revenues and debt service to social expenditures, considering domestic debt burden and other risks. This assessment should not be run only by one institution, such as the IMF, but by other multilateral institutions such as UNCTAD. In addition, realistic projections considering the assessment of other national stakeholders can prevent the over-optimism that leads to bad decisions.

- Establish a **binding approach in any debt treatment process**, with the participation of all creditors, multilateral, bilateral and private; but also including domestic bondholders (so as to avoid the experience for example of Argentina). Countries that led a renegotiation process with private creditors in a bilateral approach have managed to reach agreements, in a long and asymmetric process. More initiatives on national laws on private creditors will contribute to a binding approach.
- Implement **national legislation in creditor countries** to prevent private creditors, particularly vulture funds, from undermining multilateral debt restructuring agreements.
- Consider **economic, social and climate vulnerabilities criteria** beyond only debt sustainability ratios and the income level of the country. Developing countries are exposed to several vulnerabilities (e.g., the recent health crisis, the current food and climate crisis), where women are disproportionately affected. A catastrophe clause that allows for automatic stay on payments should be included in all loan contracts.
- Ensure access to **concessional finance** for developing countries in need, regardless of its income level, not only by accomplishing the official development assistance (ODA) and climate finance targets that developed countries have committed to, but also with other innovative sources of financing, including no debt mechanisms such as the allocation of Special Drawing Rights (SDRs).
- Ensure transparency and accountability from several angles: 1) transparency from creditors, with a

8 UN DESA (2015)

global registry of private creditors, 2) transparency from borrower countries to their citizenship, 3) transparency of the debt sustainability analysis for different stakeholders in the country, such as parliamentarians.

- Apply **responsible lending** criteria in terms of eliminating conditionalities such as austerity and negative impacts, and **responsible borrowing** on the efficient use of resources for the benefit of people.
- Create a **multilateral credit rating agency** to balance the credit rating assessment of countries' economies.

Finally, the financial architecture is interconnected. It is important that conditions are given for a **mobilization of domestic resources** through progressive taxation systems and the elimination of illicit financial flows and tax dodging. Debt and tax justice policies need to take place at the same time, otherwise the increase on tax collection will be used to repay debts; an integrated debt treatment process will bring a degree of liquidity but will not be a long-term resolution if countries need to increase debt again.

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Strengthening global tax governance as cornerstone of an equitable and effective global financial architecture

BY CHENAI MUKUMBA

It has been said that ‘tax is the price we pay to live in a civilized society’. Indeed, the social contract is premised on the idea that businesses and citizens should pay a certain amount of money to their governments and in turn governments provide key public sector services such as a legal system, defence, clean water and education. In many countries, however, the social contract is largely broken. Particularly in developing countries, the tax to GDP ratio ranges from between 10 to 15 percent of GDP, which results in limited domestically mobilized resources. And in these countries, the provision of many public services is limited.

While there is much that can be done at the national level to improve the levels of domestic resource mobilization, national economies do not operate in a vacuum and are affected by decisions that are made at the global level. Much has been written about the importance of national level reforms such as improving the capacity of tax administrations, introducing the use of technology, strengthening legislation--however, to do so singularly without focusing on the importance of global reforms is woefully inadequate.

The importance of these reforms lies in that, without addressing them, national level efforts to curb illicit financial flows are undermined. One cannot only focus on reforming domestic policies without addressing the questions of where these illicit financial flows end up. In 2015, the members of the High-Level Panel Report on Illicit Financial Flows from Africa stated that:

“[I]llicit financial outflows whose source is Africa end up somewhere in the rest of the world. Countries that are destinations for these outflows also have a role in preventing them and in helping Africa to repatriate illicit funds and prosecute perpetrators.”¹

Background

A few years ago, in 2016, the Inclusive Framework of the Organisation for Economic Cooperation and Development (OECD) embarked on a process to reform the international tax rules to address the tax challenges arising from globalization and digitalization. This process has been fraught with controversy

as many developing countries have expressed concerns on the legitimacy of the platform as well as the subsequent decisions coming out of the negotiations. In December 2020, African ministers in the Extraordinary Specialized Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration stated:

“The Inclusive Framework negotiations have made it clear that developed countries are not listening to the concerns of developing countries and have

1 UN Economic Commission for Africa (2015)

no intention of redressing the balance of taxing rights in any significant way.”²

As such, they undertook a resolution at the First Extraordinary Meeting of the Specialized Technical Committees (STC) on Finance, Monetary Affairs, Economic Planning, and Integration to form a Sub-Committee on Tax and Illicit Financial Flows (IFFs) Issues. In 2022, from 6 to 8 April, the African Union convened its first-ever STC Sub-Committee Meeting on Tax and Illicit Financial Flows, where they discussed Issues of the Specialized Technical Committee on Finance Monetary Affairs, Economic Planning and Integration. The theme was “Tax Incentives: Implication of the Global Tax Reforms for Africa.” This meeting reflected Africa countries’ response to a global tax system that did not give equal voice to African countries.

Tax Justice Network Africa and civil society organizations both within and outside the continent have decried the role of the OECD in spearheading the reform of the global tax system. Indeed, this sentiment was further expressed in a series of letters released in March 2022 from a group of UN independent experts and special rapporteurs, including Professor Attiya Warris, the Independent Expert on foreign debt, other international financial obligations and human rights. These letters expressed concern that of the two pillars proposals from the OECD, Pillar One “will facilitate aggressive tax optimization strategies and tax evasion” and Pillar Two will “reduce the ability of low and middle-income countries to mobilize sufficient resources to invest in essential public services and to ensure the realization of human rights”, reiterating the inadequacy of the OECD IF as the global rule-making body.³

The lack of a universal and inclusive global tax architecture has been highlighted as a problem by countries for many years. In the 2015 Addis Ababa Action Agenda (AAAA), UN Member States made it clear that they “commit to scaling up international tax cooperation” and stressed that “efforts in international

tax cooperation should be universal in approach and scope and should fully take into account the different needs and capacities of all countries, in particular least developed countries, landlocked developing countries, small island developing States and African countries”.⁴ Similarly, the High-level Panel on Illicit Financial Flows from Africa, commissioned by the African Union and the United Nations Economic Commission for Africa (UNECA) Conference of African Ministers of Finance, Planning and Economic Development found that the global architecture for tackling IFFs was incomplete. It encouraged the establishment of an overarching global framework under the auspices of the United Nations.⁵

This same recommendation has been reiterated by the representatives of developing countries that have called for an intergovernmental tax negotiation process at the UN for over two decades. At the FfD Forum 2022, Malawi’s Vice-President, Saulos Klaus Chilima, stated on behalf of the African Group:

“The African Group strongly believe on the urgent need to establish a universal, UN intergovernmental tax body and negotiate a UN Tax Convention to comprehensively address tax havens, tax abuse by multinational corporations and other illicit financial flows through a truly universal, intergovernmental process at the UN, with broad rights holders’ participation.”⁶

Push for reform at the United Nations

In October 2022, the G77 and China, a group of 134 developing countries, tabled a resolution at the UN calling for an intergovernmental tax body. The African Group also tabled a resolution calling for negotiations on a UN Convention on International Tax Cooperation. Both proposals saw no support from developed countries. Following the October decision at the UN, the African Group, led by Nigeria, tabled a revised resolution at the UNGA on the “Promotion of

2 African Union (2020)

3 UN Office of the High Commissioner for Human Rights (2022)

4 UN General Assembly (2015), para. 28.

5 UN Economic Commission for Africa (2015)

6 https://estimates.unmeetings.org/estimates/30.0010/20220425/UssVw9QoP6Nh/K7DIP4XwBsb_en.pdf

inclusive and effective international tax cooperation at the United Nations.” Member States discussed the resolution for adoption on November 23 and it was adopted by consensus.

Although the current global tax system is overseen by the OECD, the United Nations started working on tax issues long before it in the 1940s and early 1950s. The Fiscal Commission was established in 1946 and did work on the global tax system until 1954 when the commission was abolished.⁷ It was two years later that the OECD work on tax was begun. In 1956, the Fiscal Committee, later known as the Committee on Fiscal Affairs, of the Organisation for European Economic Cooperation (OEEC) was established, and in 1963, the first Draft Model Double Taxation Convention on Income and Capital was developed. Since then, decision-making on the allocation of taxing rights and tax revenue has been controlled by OECD countries and as such, they have benefited from the status quo. There has been no meaningful progress towards returning the mandate of overseeing global tax decisions until recently. The adoption of this resolution will be a step forward in strengthening international cooperation on tax matters. Its adoption will also help promote inclusivity in the global tax rule-making processes and support Member States’ efforts towards curbing IFFs.

There has been much written on the lack of inclusivity of the OECD and its Inclusive Framework, including most recently by institutions such as Eurodad.⁸ Some of the main concerns include the following:

- Over a third of the world’s countries are not members of the Inclusive Framework – 125 countries are members and 70 countries are not
- Only half of all African countries are members of the Inclusive Framework – 27 countries out of 54
- Over two-thirds of the least developed countries (LDCs) are not members of the Inclusive Framework - 12 LDCs are members and 34 are not

- The Inclusive Framework now has 142 members, but of those, 17 are not actually countries, some, for example are UK overseas jurisdictions, which means that 125 countries are members

Regarding the adoption of the resolution, reforming the international financial architecture remains a significant priority in combating IFFs and for the first time in over 70 years we are seeing traction towards returning to truly global cooperation on international tax issues.

The need for an equitable and effective global financial architecture

This bias in the current international tax system has resulted in a global coordinating mechanism that has been characterized as unfair, inefficient, vulnerable to tax avoidance and evasion and incoherent. As a result, developing countries lose significant resources that can be used to help countries achieve their developmental objectives. Specifically, Africa is estimated to lose almost US\$ 90 billion annually to IFFs, which is almost half the resources needed to help it achieve the Sustainable Development Goals.⁹

The world needs a system that works in favour of those countries that the current system has exploited over the past one hundred years. The first step in an effort to achieve this is by establishing a new global tax system to whose development all countries can contribute in a democratic manner. While the United Nations has its own power dynamics, it presents the most democratic platform where all countries are able to participate. The current system has decision-making being led by the G20, 20 countries that comprise 85 percent of the global economy. If this is to remain the case, the deep structural inequalities that we see today will continue to persist.

There also exists an important conflict of interest in the positioning of the OECD as central to decision-making in matters of taxation. Most of the multinational corporations that are at the heart of the IFFs are from OECD countries and as such, influence

⁷ https://cdn.un.org/unyearbook/yun/pdf/1954/1954_571.pdf

⁸ Ryding (2022)

⁹ UNCTAD (2020)

decision-making in their favour. In addition to this, the OECD is home to some of the worst tax havens. Indeed, jurisdictions such as the British Virgin Islands, Netherlands, Switzerland and Luxembourg are most complicit in helping multinational corporations underpay corporate income tax and as such have little moral imperative to oversee and lead the efforts to address tax avoidance and evasion.¹⁰

An argument that is often raised against the shifting of these processes to the United Nations is that the United Nations does not have sufficient capacity and resources to pick up this work. This is indeed true. The OECD boasts significantly more resources and expertise gained over time. However, this does not suffice as a reason to maintain the status quo. Should the United Nations obtain centrality, all countries should work towards directing their best resources towards the United Nations. What is most important about the United Nations is that it is a political space. One of the reasons that it is important that the United Nations be brought to the fore on decision-making is because tax is inherently a political issue and the most representative politics should drive the direction of the agenda.

Conclusion

There is a dire need to strengthen global tax governance to ensure an equitable and effective global financial architecture. The current system is flawed and has seen developing countries most negatively affected by the scourge of IFFs. This is unsurprising given the non-inclusive and biased nature of the current tax governing structure as led by the OECD. There is, however, growing momentum to reform this. The most recently adopted proposal as tabled by the African Group at the United Nations is a concrete step towards reforming the system. While the United Nations itself is not perfect, it has jurisdiction and is a platform that allows all countries to have a say in a system that affects them all.

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¹⁰ Tax Justice Network (2021)

IMF accountability to human rights: breaking the deadlock?

BY ALDO CALIARI

The human rights obligations of the Bretton Woods Institutions, and the IMF in particular, have been matters of debate for several decades. The IMF considers that, as a monetary agency, international human rights law does not apply to it. However, changes in the international monetary system and growing knowledge about drivers and implications of macroeconomic and structural policies have led the institution to address an expanded range of issues in member countries. Some of the topics currently covered by the IMF, such as social spending and inequality, clearly fall under the application of human rights standards, while others traditionally under IMF jurisdiction have, nonetheless, human rights implications to consider. This article proposes creating a panel on the human rights dimensions of IMF programmes as a way to break the deadlocked debate on the existence of obligations under international human rights law. The body would examine and provide recommendations to IMF staff on situations where individuals or groups allege damage as a result of an IMF loan or programme implemented by their government, in contradiction with the human rights obligations of their country.

In 2003, a group of outstanding experts, in the Tilburg Guiding Principles on World Bank, IMF and Human Rights,¹ sought to articulate the obligations of the Bretton Woods Institutions under international human rights law. Twenty years later, there is little to suggest that the institutions are close to agreeing that they have such obligations.² This article focuses on the case of the IMF.

The scholarly work that attributes human rights responsibilities to the IMF rests on three main lines of argument.³ First, as subject of international law with their own legal personality, the IMF is bound by general rules of international law, including international human rights law. Second, international organizations are governed by their member countries, which are bound by international human rights law.

Members should not be allowed to do through their organizations what they are not allowed to do on their own. Third, the IMF is a specialized agency of the United Nations. The relationship agreement linking the institution to the UN stresses – as is the case for the World Bank – the independent status of the agency. However, this does not mean an exemption from obligations arising from the UN Charter, with the primacy this latter gives to human rights.

Nevertheless, the IMF denies having such obligations. The closest to an official IMF definition on the subject of its obligations under human rights law is in a 2005 paper by former IMF General Counsel Francois Gianviti.⁴ Referring to the International Covenant on Economic, Social and Cultural Rights, but on grounds that could extend to other human rights instruments, the paper contends that the Covenant does not apply

1 Van Genugten et al. (2003)

2 UN Human Rights Council (2018)

3 Bradlow (1996); Skogly (2001); Darrow (2005); van Genugten et al. (2003)

4 Gianviti (2005)

to the IMF.⁵ The three lines of argument are that:

the IMF is not a party to the Covenant; the obligations imposed by the Covenant apply only to States, not to international organizations; and the Covenant, in its Article 24, explicitly recognizes that “[n]othing in the present Covenant shall be interpreted as impairing the provisions . . . of the constitutions of the specialized agencies which define the respective responsibilities . . . of the specialized agencies in regard to the matters dealt with in the present Covenant.”⁶

One of its main threads is that the IMF is a monetary agency, not a development one. It shares the story that, back in the 1950s when the UN Commission on Human Rights started the work that would lead to the Covenant, it invited the IMF to take part in the deliberations. The IMF “took the position that the questions raised in the elaboration of the Covenant were outside its own mandate.”⁷

This may have been a defensible position in the early years of the IMF, when it limited its interventions to a few macroeconomic variables – money supply, inflation, budget deficits – in a context of fixed exchange rates.⁸ But the transition to a flexible exchange rate system meant that multiple other variables could potentially have a bearing on how a country achieved stability. IMF monitoring, conditions and policy advice could and have addressed, over the years, labour, agriculture, defense spending, corruption, poverty reduction, health and social safety nets, among other topics.⁹

The last decade has seen a further expansion and codification of the IMF’s remit beyond its core traditional areas. With the growing recognition that distributional issues affect sustainability of growth and macroeconomic stability, the Fund has expanded its work on inequality, inclusive growth and jobs. In

2018 it issued a guidance note to operationalize inequality issues in country work, following more than 40 country pilot experiences.¹⁰

In 2019 the institution released a strategy for engagement on social spending, reflecting its increased work on the subject. The strategy also responded to an IMF Independent Evaluation Office report on the IMF and social protection that found the work had been uneven and required strengthening.¹¹

The growing understanding about the macroeconomic implications of climate change and rising demand from the membership led the IMF to adopt, in 2021, its first-ever Strategy to Help Members Address Climate Change Related Policy Challenges.¹²

Yet another new strategy seeks to help IMF member countries foster resilient and inclusive economies by supporting them in addressing gender gaps and improving women’s economic empowerment. Although references to gender in IMF documents were very sparse before 2013, the recently adopted IMF Strategy Towards Mainstreaming Gender seeks to systematize and provide a basis for what has been a rising involvement by the institution in the last decade.¹³

The IMF establishment of the Resilience and Sustainability Trust ups its involvement in climate and health – among potentially other issues. One of the innovative features of this fund is that it will finance longer term structural challenges that pose macroeconomic risk, such as climate change and pandemics.¹⁴ Notably, the IMF has made important contributions in the last three years covering issues such as vaccine and therapeutics access, and other elements of the pandemic response.¹⁵

Growing realization within the IMF of the multiple social and environmental fields its mandate affects

5 Yet, the paper argues, the IMF contributes to the conditions for the realization of rights set out in the Covenant; *ibid.*, p. 43

6 *Ibid.*, p. 6, fn 9

7 *Ibid.*, pp 3-4

8 Bradlow (1996)

9 *Ibid.*

10 IMF (2018)

11 IMF (2019)

12 IMF (2021)

13 IMF (2022a)

14 IMF (2022)

15 IMF (2021a)

is a positive development. But it also erases any doubt that today's IMF has travelled a long way from the purely monetary agency that Gianviti's paper described – though the IMF fitting that description was already a debatable notion at the time of his writing.

What is important for the purpose of this article, the issues the IMF is lately venturing upon are all, to different but significant degrees, squarely within the scope of application of human rights principles and standards.¹⁶

The IMF largely recognizes that it is not the expert institution on these issues and, therefore, it is only where they become macro-critical – that is, where they significantly influence present or prospective balance of payments or domestic stability – that they are relevant to its activities. The need for macro-criticality is a theme repeated for each of the topics of IMF-expanded work.¹⁷ With regards to macro-critical issues where the IMF does not have expertise, the IMF most recent Guidance Note on Surveillance says staff should analyse the issue drawing on the expertise, and in collaboration with, external partners, but staff “are not expected to provide policy advice.”¹⁸

The macro-criticality filter seems to place a robust check on the number of issues extraneous to the IMF's expertise that staff has to address. But that may not be the case. On social spending, a survey of mission chiefs conducted to inform the engagement strategy found that it was macro-critical in nearly 80 percent of countries, and 70 percent reported providing policy advice in this area, a ratio even higher for developing countries. The strategy on climate change considers it as “one of the most critical macroeconomic policy challenges that the IMF's membership will face in the coming years and decades”¹⁹, seemingly heralding much more IMF input on the issue.

16 Although climate may superficially appear to be the exception, it has important human rights dimensions. In fact, the IMF strategy refers to the social costs of natural disasters and the need for a “just transition”.

17 IMF (2022b)

18 Ibid.

19 IMF (2021)

Moreover, the surveillance guidance states that the determination of macro-criticality is country-specific and will depend, inter alia, on the members' income level, structural characteristics, and institutional capacity.²⁰

In other words, the determination of whether the IMF should or should not address matters that may be directly covered by human rights legal standards is left with the IMF itself, on a country-by-country basis. If the IMF makes such a determination, the choice of partner agencies that it should consult, and how to incorporate their input, also rests with the IMF itself.

While the above ‘new’ areas of IMF interest provide the starkest examples of human rights relevance, the human rights implications of policies clearly within the IMF's jurisdiction and expertise – that is, fiscal, macrofinancial, monetary, external and macro-structural – also deserve consideration. At present, there is no formal channel by which the IMF can receive input from human rights bodies when policies within its natural realm reach what we could call ‘rights-criticality’.

Twenty years after the Tilburg Principles, it is not easy to see a way out of the deadlocked exchanges of legal arguments for and against human rights obligations of the IMF. But human rights were enshrined in law to protect the most vulnerable against power abuse. The simple fact remains that the average person has a hard time digesting the notion that one of the most powerful international organizations does not feel bound by any sense of duty towards human rights. More so if that person resides in an IMF programme country where the institution is seen – justifiably or not – as having significant influence on the economic policies the government adopts. Providing avenues of human rights accountability should, therefore, be an imperative driven, if not by legal interpretations, by a desire to lift the quality of the IMF's work, and ensure durability, legitimacy and effectiveness of the policy reforms it promotes.

20 IMF (2022b)

In that spirit, I believe the creation of an expert panel on the human rights dimensions of IMF programmes could make a large contribution to embedding human rights in the policies of the organization.

The panel would be independent from the IMF and take complaints from individuals or groups who allege damage as a result of an IMF loan or programme implemented by their government in contradiction with the human rights obligations of their country.

Panel members would have economic and human rights backgrounds, and examine the claims and potential alternatives that in the context of that programme could better align with the country's human rights commitments. Its recommendations would be non-binding but they would be provided to the staff with responsibilities for the country. Every year the compilation of cases would be presented to the Board to give the opportunity to consider implications for future programmes and policies.

There is no naivete about the many thorny issues that the creation of such a panel would need to navigate, such as composition, staffing, requirements to admit complaints, process, and so on. But in other ways it offers the simplicity of staying anchored on concrete cases, in a bottom-up way – thus avoiding the unending debate and wordsmithing that would dog attempts to come up with general definitions first. By staying focused on the obligations that a particular country already undertook, it would avoid the unwieldy task of having to define specific obligations applicable to the IMF and all its members.

Such an approach would, over time, yield a number of cases to begin to form a body of knowledge on how to incorporate human rights into IMF policies. By helping flag prescriptions that are most commonly questioned from a human rights perspective they could provide a “heat map” of areas where more systematic work on making IMF policies compatible with human rights is needed and what the impacts and rethinking could be.

It will also be a space for joint learning. It would take volumes to explain the many ways human rights and

economic expert analyses could differ.²¹ This panel would be a place where such experts can put their heads together to find solutions that perhaps elude their different communities working alone. The requirement to collaborate could be an antidote to group-think that might, otherwise, inescapably set in.

Amidst multiple crises and the reversals in development gains of the last few years, mechanisms to protect human rights and the most vulnerable in IMF programs cannot wait for more decades of fancy legal debate. It is time to break the deadlock.

²¹ See, however, a good summary in International Council on Human Rights Policy (2010).

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The Fourth International Conference on Financing for Development

BY BODO ELLMERS, GPF EUROPE

The lack of adequate and effective financing is one of the main constraints on development. In particular, countries of the global South suffer from the inability to mobilize and retain sufficient resources internally. External finance could fill the gap, but rich countries fail to meet internationally agreed commitments when it comes to transferring official development assistance. Private finance, in turn, is not available on affordable terms. When borrowing on financial markets, Least Developed Countries (LDCs) face interest rates that are up to eight times higher than in rich countries, and 25 developing economies are spending over 20 percent of Government revenues solely on servicing debt.¹

The annual financing gap to reach the SDGs had already been estimated at US\$ 2.5 trillion when the 2030 Agenda for Sustainable Development was adopted in 2015. It has further grown due to backlogs in implementation, and the economic havoc caused by the cascading crises, the COVID-19 pandemic, the climate crisis and most recently the food and energy crisis caused by severe price shocks. The need to finance

climate change mitigation, adaptation and loss and damage has emerged in recent years as another source of massive financing needs.

The current international financial architecture is strongly biased, it disadvantages developing countries, particularly the least developed countries, which, according to the UN Secretary-General have been handed “the rawest of deals” by a “deeply dysfunctional and unfair global system”.² Whereas the 46 LDCs hold 24 percent of voting rights in the UN General Assembly, their share of voting rights is only 3.5 percent at the International Monetary Fund. In many other institutions of global economic governance – such as the G20, the OECD, or the Financial Action Task Force, founded by the G7 to combat money laundering – there is no LDC representation at all.³ The predictable consequence is that these institutions create rules that disadvantage LDCs. A key example is the OECD’s recent two-pillar tax agreement, intended to address tax challenges due to digitalization, which

allocates most taxing rights to rich countries.

The problems are not new. In 2002, the first International Conference on Financing for Development was convened in Monterrey, Mexico. The Outcome Document of the conference, the Monterrey Consensus, established a holistic approach to development finance. It developed a comprehensive policy framework for all potential sources of development finance, domestic and external, private and public. Most importantly, the UN’s Financing for Development (FfD) process also addresses the institutional dimension, the reform of the international financial and trade systems. Two additional FfD conferences have taken place since, one in Doha (2008) and the other in Addis Ababa (2015), which further developed the international FfD-framework. The Addis Ababa Action Agenda adopted in 2015 counts as a central pillar of the means of implementation for the 2030 Agenda.

Pressure has been growing in recent years to convene a new, the Fourth International Conference on Financing for Development (FfD4). The backlog in implementing the SDGs has proven that the Addis Ababa Action Agenda has been insufficient, that more

² Ibid.

³ <https://www.globalpolicy.org/en/publication/financing-development-least-developed-countries-needs-challenges-and-doha-programme>

¹ <https://press.un.org/en/2023/dev3447.doc.htm>

needs to be done to make means and ends meet. Moreover, today's global polycrisis has unveiled the fact that the international financial architecture is in urgent need of reform as it is not able to protect vulnerable countries from shocks and contagion, and ensure that they have adequate fiscal space to respond and recover. It is also obvious that entities of global economic governance that lack sufficient developing country participation, have failed to create the institutions that developing countries need. The G20, for example, recently took the lead in addressing debt crises in LDCs, but failed to deliver a mechanism that makes fair, speedy and sustainable debt workouts possible. The OECD's unfair tax agreements have prompted the Africa Group at the UN to suggest a UN Tax Convention.⁴ Hence, the need to develop new rules and mechanisms in a global body with universal membership.

In December 2022, and following massive political pressure from many developing countries and from civil society, the UN General Assembly finally gave the green light for the FfD4 conference. Resolution A/RES/77/156 considers convening FfD4 in 2025. The expectations are high.

⁴ <https://globaltaxjustice.org/news/press-release-governments-approve-proposal-for-international-tax-cooperation-at-united-nations/>



Future Generations

The Maastricht Principles on the Human Rights of Future Generations

BY ANA MARÍA SUÁREZ FRANCO AND SANDRA LIEBENBERG

In 2021, the United Nations Secretary-General launched his report, *Our Common Agenda*, containing his recommendations to Member States for the reform of the UN system. The report includes a chapter explaining the importance of strengthening solidarity with younger and future generations and proposing specific measures to do so. Since 2017, a group of international law experts active in academic institutions and civil society have been working on a project which culminated in the adoption of the *Maastricht Principles on the Human Rights of Future Generations* (the Principles) at an Expert Seminar hosted by Maastricht Centre for Human Rights on 3 February 2023.

This article explains the relevance of these Principles for the UN reform process, their motivation, the main debates and process that lead to their adoption, and key themes in the Principles. The Principles seek both to consolidate and develop existing human rights standards to enhance the protection and fulfilment of the human rights of future generations. They provide a valuable guide to ensure that any action to strengthen solidarity with future generations is in line with international human rights law. It is hoped that the Principles will influence national, regional international governance processes, decision-making, standard-setting and jurisprudence, as well as promote social mobilization to advance the human rights of future generations.

The relevance of the Principles to “Our Common Agenda”

Chapter III of the report *Our Common Agenda*, representing the UN Secretary-General’s vision on the future of global cooperation, is entitled: “Succeeding Generations: Shaping the future”.¹ This Chapter builds on the UN Charter’s commitment to a better future for succeeding generations and represents a clarion call to strengthen solidarity between generations. It notes that:

“...[O]ur dominant political and economic incentives remain weighted heavily in favour of the short term and status quo, prioritizing immediate

gains at the expense of longer-term human and planetary well-being”.²

In his report, the Secretary-General calls for a Declaration on Future Generations, a repurposed Trusteeship Council, a Futures Lab and a UN Special Envoy to ensure that policy and budget decisions consider their impact on future generations. The report refers to significant values, including inter-generational equity and trust. However, it does not explicitly refer to persons, groups and peoples that will exist in the future as holders of fundamental human rights. Neither does it clarify the relationship between the continuing impacts of past injustices and the violations of the human rights of present and

1 UN Secretary-General (2021), p. 38.

2 Ibid.

future generations. Given that *Our Common Agenda* does not purport to be a human rights instrument, it is also not surprising that it does not elucidate states obligations vis-à-vis future generations. *Our Common Agenda* introduces a critical future-focused lens on current multilateral institutions and governance processes. However, it needs to be implemented and supplemented by the normative and accountability frame of international human rights law.

The newly adopted *Maastricht Principles on the Human Rights of Future Generations* provides a valuable resource for strengthening the human rights dimension of the institutions and mechanisms proposed in *Our Common Agenda*. We describe here the motivation for the drafting of the Principles, the process of their adoption, along with key themes contained therein.

The motivation for the Maastricht Principles

Already in the 1970s and 1980s, there was growing understanding that a “business as usual” model was exposing the Earth, present generations (particularly children and youth) as well future generations to extreme risk.³ In recent times, these threats have multiplied. They include the triple environmental crisis of climate change, pollution and biodiversity loss;⁴ the overshooting of “planetary boundaries” through unsustainable patterns of production and consumption;⁵ global health threats such as the COVID-19 pandemic; inadequately controlled and regulated new technologies; the scourge of war and the deployment of weapons of mass destruction, global conflict and the outbreak of war; and the erosion of long-established norms of democratic governance and civil and political rights in many countries. These and other developments are posing profound threats to the enjoyment of internationally recognized human rights by future generations.

Future generations are essentially voiceless and largely unrepresented in decision-making and yet

their human rights will be profoundly impacted by acts and omissions in the present. As one of the initiators of the Principles noted: “As long as future people’s human rights are ignored, States, business and consumers ‘can get away’ with trampling on those people’s livelihoods and happiness.”⁶

Despite the gravity of the human rights threats faced by future generations and a rapidly evolving body of scholarship on this subject,⁷ there has been relatively little attention to the human rights of future generations within the UN and other multilateral fora. The time was thus ripe to build on three prior Maastricht initiatives that made major contributions to the development of human rights law: The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986);⁸ the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997)⁹; and the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2011).¹⁰ The fourth Maastricht project would thus focus on addressing the major gap in human rights protection – the human rights of future generations. What follows describes the process adopted in drafting and adopting these Principles.

The process towards the Principles

In July 2017, Fons Coomans (Maastricht University) and Rolf Künemann (FIAN International) started to discuss a fourth Maastricht project to develop Principles on the human rights of future generations. They contacted others involved in setting up the Consortium on the Maastricht Principles on Extraterritorial Obligations. A Steering Group for this project was established in 2017 consisting of members based at the Maastricht University, the University of Lancaster, the Center for International Environmental Law (CIEL) and FIAN International.

3 Brundtland (1987), para 25.

4 UNFCCC (2022)

5 Stockholm Resilience Centre (2009)

6 Künemann (2017)

7 Woods (2016)

8 ESCR-Net (1987)

9 University of Minnesota Human Rights Library (1997)

10 ETO Consortium (2011)

In April 2018, the steering group hosted an international conference at FIAN's headquarters in Heidelberg, gathering 24 international activists from La Vía Campesina, the International Indian Treaty Council, Transnational Institute, Children Rights International Network, Fundación Savia, Stockholm Resilience Center, World Future Council, Friends of the Earth, ESCR-Net, Earth Justice, Amnesty International, Future Justice Commission Hungary and academics from several universities. The participants produced a series of 26 research papers on a range of topics relating to the human rights of future generations.

Between 2018 and 2020 diverse supporters of the initiative carried out further research, building towards a workshop that took place in Geneva in 2020. Experts from diverse regions in the world presented papers and case studies on a range of topics at this workshop. From October 2020 to April 2021, eight Working Groups comprising some 40 participants produced research on key themes pertaining to the protection of the human rights of future generations. These included existing court judgments; issues of legal standing and justiciability; the general nature of States human rights obligations towards future generations; conceptions of future generations' rights in diverse legal traditions and cultures, including those of Indigenous Peoples; and specific policy fields impacting on future generations such as the sustainable use of natural resources and waste management, climate change, health, new technologies, food and water. The key findings of these research papers were collated in a reader of some 125 pages, which served as the basis for further written and in-person consultations.

In May 2021, the Steering Group appointed a Drafting Group of seven experts from a range of geographical regions, namely, Miloon Kothari, Sandy Liebenberg (Chair), Carroll Muffett, Ashfaq Khalfan, Magdalena Sepúlveda Carmona, Margaretha Wewerinke, and later Sharon Venne-Manyfingers. During 2022, the Drafting Group conducted extensive research and prepared draft versions of the Principles. These Principles received both written and oral feedback through different rounds of consultation, including with some 182 organizations and experts who joined a virtual platform dedicated to the project.

The Principles were finally adopted at an Expert Seminar hosted by the Maastricht Centre for Human Rights, Maastricht University, which took place 1 – 3 February 2023.

The next phase of the project is to seek endorsements for the Principles from human rights experts located in all regions of the world, including current and former members of international human rights treaty bodies, regional human rights bodies and former and current Special Rapporteurs of the United Nations Human Rights Council. Efforts will also be made to publicize the Principles and to bring them to the attention of key national, regional and international bodies, including the initiatives of the UN Secretary-General as set out in *Our Common Agenda*.

Key themes in the Principles

The Principles seek to both consolidate and provide a progressive interpretation of international law as a foundation for recognizing the human rights of future generations. They also recognize that States may incur additional obligations as human rights law in this sphere continues to evolve. The Principles are anchored in the universality and equal dignity of all members of the human family without temporal limitations. The entitlement of future generations to human rights is based on a variety of legal sources as well as general principles of law reflected in laws, norms, customs and values of States and Peoples from all global regions and belief systems. It is clearly stated that the Principles should not be interpreted to confer any rights on human embryos or fetuses, nor should they be interpreted as undermining reproductive rights and autonomy.

The Principles recognize that human generations exist along a continuum of time. In the same manner that historical injustices affect the enjoyment of human rights in the present, so the conduct of those presently alive will impact on the enjoyment of human rights by individuals, groups and Peoples who will exist in the future. There is thus a strong focus in the Principles on the interlinkages between intra- and inter-generational human rights obligations, and the measures required to eliminate inter-generational discrimination and disadvantage. An example

of the latter is according less value to future lives and rights through discounting the impacts and burdens of present conduct on future generations.¹¹

As children and youth are closet in time to generations still to come, they occupy a unique position, and have an important role to play in protecting and advancing the human rights of future generations. Accordingly, the Principles acknowledge “their perspectives and participation in decision-making with respect to long-term and intergenerational risks must be accorded special weight.”¹² The Principles also acknowledge the contributions of Indigenous Peoples, peasants and other local communities in light of their traditional knowledge-systems and ways of relating to, and preserving, the natural world on which humanity depends.

Specific Principles also focus on intergenerational duties and trusteeship of the Earth and its natural resources; prevention and precaution in decision-making where there are reasonable grounds for concern that present conduct may result in violations of the human rights of future generations; and the critical importance of building a new international order based on international solidarity.

The Principles apply the tripartite framework of obligations to respect, protect and fulfil human rights to future generations. They provide illustrative examples of what would constitute violations of the human rights of future generations in this context. An example of a violation of the obligation to respect is the production of waste material or hazardous substances of a kind or at a scale that cannot be soundly managed, and safely and completely disposed of by the generation that produced it. A violation of the obligation to protect the human rights of future generations would include the failure to effectively regulate, and where appropriate prohibit, scientific research and activities that pose a reasonably foreseeable and substantial risk to the human rights

of future generations, including genetic engineering and geo-engineering. Necessary measures to fulfil the human rights of future generations include phasing out unsustainable consumption and production patterns that jeopardize the Earth’s ability to sustain future generations whilst recognizing that wealthier States must proceed more expeditiously under the principle of common but differentiated responsibilities and respective capabilities.

The Principles also recognize the need for establishing specific institutions and mechanisms for representing future generations in participatory processes concerning decisions that may impact on their human rights. Special attention is paid to ensuring representation by traditionally marginalized or disadvantaged groups within such institutions and mechanisms. These include ombudspersons, guardians, trustees or commissions and designated seats in Parliament. The Principles further elaborate on the duties and responsibilities of intergovernmental organizations, non-State actors such as corporations, and individuals and communities.

Finally, in line with the key principle of human rights law that effective forms of accountability and remedies must be ensured to victims of human rights violations, the Principles elaborate on what this requires in the context of future generations. They also affirm the importance of ensuring that courts and other national and international human rights bodies recognize the legal standing of future generations and their representatives in proceedings aimed at vindicating their human rights.

Conclusion

The Maastricht Principles on the Human Rights of Future Generations represent a first attempt to elaborate in detail on the implications of regarding future generations as human rights-holders under international law. The aim of the initiative is that the Principles will be interpreted in harmony with other important and rapidly evolving legal developments including the recent recognition by the General Assembly of the human right to a clean, healthy and

11 On the prevalent practice of discounting in economic and development planning, see Krznaric (2020), pp. 73-77.

12 Maastricht Principles on the Rights of Future Generations, Preamble, para VII.

sustainable environment,¹³ and initiatives to recognize the rights of Nature.¹⁴ The Principles should contribute to the normative and institutional reforms required to effectively protect the human rights of those generations who will succeed us.

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¹³ UN General Assembly (2022)

¹⁴ GARN (n.d.)

The Rights of Nature

BY TOBIAS GERHARTSREITER, GARN / GPF EUROPE

The past year has seen an unprecedented number of international environmental conferences and adoption of agreements. In 2022 alone, the Conferences of the Parties of CITES on trade in endangered species, UNFCCC on climate change, UNCCD on desertification and CBD on biodiversity took place, the latter with the adoption of the global biodiversity framework.¹ And in March 2023, after years of negotiations, history was made with the adoption of the UN High Seas Treaty.²

All this is generally considered a success for global multilateralism. However, it is rather an expression of the sheer scale of the global climate and environmental crises. The fact that the 2030 Agenda for Sustainable Development at its halfway point is likely to fall short of its goals, that one million species are threatened with extinction according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES),³ and that compliance with the 1.5-degree Celsius limit on global warming is in serious jeopardy according to the Intergovernmental Panel

on Climate Change (IPCC),⁴ paint a disturbing picture. What is clear is that the scale and speed of global implementation of countermeasures is far from sufficient.

It is striking that more and more often Harmony with Nature and Rights of Nature (RoN) are highlighted in this context and that these are now explicitly mentioned in texts of UN agreements, such as the Global Biodiversity Framework. Also, the media have recently reported more frequently on elements of the environment as well as ecosystems that have been granted legal status as a person in different places.

Therefore, it is important to understand what is meant by RoN:

“RoN is a legal instrument that enables nature, wholly or partly, i.e. ecosystems or species, to have inherent rights and legally should have the same protection as people and corporations; that ecosystems and species have legal rights to exist, thrive and regenerate. It enables the defense of the environment in court – not only for the benefit of people, but for the sake of nature itself.”⁵

RoN further is the holistic recognition that all life, all ecosystems on the planet are deeply intertwined. The people have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the injured party, with its own legal standing and rights, in cases alleging rights violations. For Indigenous cultures around the world, recognizing RoN is consistent with their traditions of living in harmony with nature. Nonetheless, for millennia, legal systems around the world have treated land and nature as “property”. Laws and contracts are written to protect the property rights of individuals, corporations and other legal entities. As such, environmental protection laws legalize environmental harm by regulating how much pollution or destruction of nature can occur within the law. Under such law, nature and all of its non-human elements have no standing. Countries like Ecuador, for example, by recognizing RoN in their constitutions, are basing their environmental protection systems on the premise that nature has inalienable rights, just as humans do.⁶

1 UNEP (2022)

2 UN (2023)

3 IPBES (2019)

4 IPCC (2023)

5 IPBES (n.d.)

6 Global Alliance for the Rights of Nature (GARN) (n.d.)

Ecologizing constitutions could represent a crucial lever in fighting the crises of our times, affecting basically any legislation of a country while respecting human rights and rights of future generations. The many examples from around the globe in countries like Bolivia, Spain, India, New Zealand or Uganda, where ecosystems are granted legal rights or legislations have been ecologized already show that RoN is far from being a utopia.

In fact, the recognition by the General Assembly of the human right to a clean, healthy and sustainable environment⁷ as well as its thirteenth resolution on Harmony with Nature⁸ show that a paradigm shift and alternative holistic approaches based on diverse world views are needed. This may contribute to the implementation of the 2030 Agenda for Sustainable Development, the protection of the human rights of future generations (see the article by Ana María Suárez Franco and Sandra Liebenberg) and nature as a whole.

Looking ahead at Our Common Agenda, the 2023 SDG Summit and the 2024 Summit of the Future it is to be hoped that the global community comes to act, because if we consider the poor condition of our ecosystems, the basis of life for all of us, it becomes clear that we really can't waste any more time.

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⁷ UN General Assembly (2022a)

⁸ UN General Assembly (2022b)

Digital Future



Global Digital Compact – linchpin for a future multilateralism?

BY ANITA GURUMURTHY AND NANDINI CHAMI

The Global Digital Compact (GDC) is a proposed agreement to be forged at the Summit of the Future (2023)¹ to lay down shared principles for an “open, free and secure digital future for all”, building on a multistakeholder technology track of consultations with governments, UN bodies, private sector entities and civil society organizations.²

At the moment, it is unclear whether the GDC will be able to fulfil the governance deficit stemming from the lack of a global home for digital public policy issues. Internet Governance Forum (IGF)-style ‘multistakeholderism’ has produced a legitimacy crisis, with values of ‘inclusion’, ‘equity’, ‘participation’ and ‘fairness’ coopted into win-win governance imaginaries that circumvent democratic accountability.³ It is clear that our datafied futures can least afford this normative vacuum.

The hope, therefore, is that the technology track consultations dovetailing into the intergovernmental Summit process can produce a new institutional roadmap for a socially just digital transition.⁴ Yet, without taking current failures on board, there is a real risk that the consultations may do little to challenge the considerable agenda-setting power that transnational digital corporations wield in multiple areas of global governance.⁵

Getting the GDC right is not just a technical governance issue. It is about envisioning the human condition as digitality shapes the anthropocene. This brief identifies concrete asks from the GDC for a just, equitable and sustainable future for people and the planet. Rejecting outright a compromised multistakeholderism⁶ that puts corporations in the driving seat, it advocates for a multilateral decision-making process by UN Member States grounded in transparency and deliberation, and aided by a structure for people’s constituencies to engage in agenda-setting.

1 In the lead-up to the Summit, the governments of Rwanda and Sweden are co-facilitating the process along with the Office of the Secretary-General’s Envoy on Technology.

2 See: <https://www.un.org/techenvoy/global-digital-compact>.

3 The IGF was proposed as an interim step to deal with developing countries’ demand at the World Summit on the Information Society (WSIS) in Tunis (2005) that public policy issues on the Internet be taken up through international coordination. While the Tunis outcome document left the process towards “enhanced cooperation” among UN Member States for later, the USA and its Big Tech lobbies successfully scuttled efforts in this direction. Two Working Groups set up for this purpose disbanded without resolution. Meanwhile, the IGF was reduced to a ‘talk shop’ with a pro-corporate policy discourse, see Parminder Jeet Singh (2015) and Gurumurthy/Chami (2021).

4 Nwakanma (2022)

5 Manahan/Kumar (2021)

6 Buxton (2019)

Bottom lines for the Global Digital Compact

The UN Secretary-General (UNSG) has identified seven areas as critical for the GDC to establish norms and action commitments: 1) connect all people to the Internet, including schools; 2) avoid internet fragmentation; 3) protect data; 4) apply human rights online; 5) accountability for discrimination and misleading content; 6) regulation of artificial intelligence; and 7) digital commons as a global public good. Other areas are expected to emerge out of the ongoing global public consultation process. This article examines four meta asks or framing demands in relation to these critical areas.

1) Public financing for public digital ecosystems in the global South

Universalizing access to Internet connectivity remains a priority. Yet, it is not sufficient to achieve what may be described as a ‘digital inflection point’; a potential steady reduction in global inequality co-linear with deepening digitalization. With limited infrastructural capabilities to digitalize and process their data into digital intelligence, developing countries are unable to capture development value from data and reap the benefits of the structural transformation led by digitalization.⁷ A new ‘data divide’ is thus exacerbating the development divide.

Low- and middle-income countries (LMICs) struggling with rising debt burdens and shrinking fiscal resources need foundational digital infrastructure to secure their futures. However, the volume of multilateral financing provided to developing countries has not been able to meet the needs generated by successive crises.⁸

What is crucial for developing countries is the creation of foundational platform, data and AI infrastructural capability; a “public innovation ecosystem”⁹

imperative that the private sector is not interested in.¹⁰ In core developing country sectors like agriculture or health, private investments have hardly bolstered the basics of the AI economy.¹¹ Lately, the mantra of ‘digital public goods’ (standards, protocols, platforms on public clouds etc.) has received wide acclaim in policy circles. Touted as quick-fix solutions to develop the wider techno-social ecosystem, open data and AI tools are being promoted as global public goods. The Modular Open Source Identity Platform (MOSIP), an open source, open standards-based identity platform to support digital identity-linked products and services – listed in the registry of the UN Digital Public Goods Alliance – is seen as an exemplar for effective, low-cost digital identification systems and customized ID solutions for African countries. What goes unstated, however, is that while multinational firms use this open ecosystem for building their government clientele, the domestic digital sector in African countries has not really received a boost.¹²

Digital innovation ecosystems can benefit from digital public goods, no doubt, but their sustainability hinges on adequate investment in local digital infrastructure and human capabilities.¹³ This is non-negotiable in order to put countries in the global South on the path to data-supported development. Also, digital public goods managed through global governance architectures need strong rules to prevent capture (see meta-ask #3 below).

The GDC must call for a well-resourced and dedicated line of funding for a new global work programme to catalyse rights-enabling public digital ecosystems in LMICs and Least Developed Countries (LDCs). The Digital Development Tax mechanism proposed by the UN Secretary-General in his 2021 report, *Our Common Agenda*, must be set up and used to finance

7 Intergovernmental Group of Experts on E-commerce and the Digital Economy (2022)

8 Total commitments from multilateral organizations allocated to LMICs in 2020 amounted to 1.3% of their 2019 GDP, compared to a 9.6% output loss, see OECD (2022).

9 Gurumurthy/Chami (2022)

10 Of the US\$ 50 billion per year, on average, mobilized from the private sector by official development finance interventions for development in 2018–20, only US\$ 0.7 billion per year targeted the ICT sector, see Vinjamuri et al. (2022), chapter 7.

11 PricewaterhouseCoopers (2022)

12 Gurumurthy/Chami/Mahindru (2022)

13 Gurumurthy/Chami/Sharma (2023)

this work programme.¹⁴ Public finance is vital to ensure that public digital and data infrastructural capabilities in developing countries are built.¹⁵ As the mid-term review of the Sustainable Development Goals (SDGs) approaches, Official Development Assistance (ODA) must measure up so that 50 percent of value from the digital economy accrues to the bottom 50 percent of the population, nationally and globally, by 2030.¹⁶ International financial institutions must redefine their mandates to meet the challenges of a new epoch, providing assistance to build equitable and just digital societies.

2) Democratic governance of the global Internet

The US-Chinese rivalry for strategic one-upmanship in the digital economy has seen increasing technological decoupling, with distinct and non-interoperable Internet protocols, hardware design and manufacturing, software development and deployment and services and standards.¹⁷ The balkanization of the cybersphere is a very real possibility.¹⁸ This concern is reflected in the UNSG's stated priority to avoid Internet fragmentation. Mainstream arguments on the issue have tended to be one-sided – viewing Chinese cyber-sovereignty strategies as responsible for a 'splinternet'. This view glosses over US geopolitical machinations in deciding which states can, and which cannot, participate in the global Internet.

On multiple occasions, the USA has used its regulatory control over its Big Tech companies that provide integral infrastructures in the Internet agora towards illegitimate global surveillance, propaganda campaigns and unilateral cybersanction strategies.¹⁹ Even Critical Internet Resources continue to be under US control. In 2014, the oversight of Internet Assigned Numbers Authority (IANA), the standards organization that performs the global coordination of IP addresses, DNS roots and other Internet protocol

resources, was passed on from the US government to the global multistakeholder community of the Internet Corporation for Assigned Names and Numbers (ICANN). However, the transition notwithstanding, ICANN is still required to be incorporated in the USA, to maintain a physical office and to perform the IANA function within the USA. In other words, ICANN does not enjoy jurisdictional immunity from potential political interference by the US government.²⁰

In order to reclaim the Internet as a global communication commons, it is imperative that the control of Critical Internet Resources and governance of all digital services operating on the Internet be truly internationalized. This may need a radical approach such as resurrecting the call for the International Telecommunications Union (ITU)²¹ or a new UN body to oversee the technical governance of the Internet, an issue that was dropped from the policy table at the WSIS moment, and operationalize a binding global governance framework for social media and other digital services platforms grounded in human rights principles.²²

3) Maximizing the public and social value of data resources

A corporate-led digital economy has seen the vital resource of data locked up for private profit. In order to reclaim the non-rivalrous nature of aggregate data resources and encourage their availability for creation of public and social value, it is often argued that a 'global public goods' approach²³ is necessary and well-suited. At the WHO and the UN Committee on Food Security, there are ongoing explorations to evolve global data trusts for aggregating/pooling data resources from all countries. The intent is to enable easy discoverability of data sets that actors in private and academic innovation systems can use to benefit humanity at large.²⁴ Unfortunately, in the absence of a clear institutional governance framework, the idea of data as global public goods just ends up as a

14 UN Secretary-General (2021)

15 Intergovernmental Group of Experts on E-commerce and the Digital Economy (2022)

16 Gurumurthy/Chami (2023a)

17 Luo et al. (2020)

18 Bateman (2022)

19 Ortiz Fruleur (2022)

20 Prakash (2016)

21 Huston (2004)

22 IT for Change (2023)

23 UN, Office of the Secretary-General's Envoy on Technology (2020)

24 Gurumurthy/Chami (2023b)

liberal myth²⁵ fuelling the data-extractivist economic model. Under the existing intellectual property (IP) regime, processed data and data-based intelligence can be enclosed in perpetuity. Open data in health and food systems will only further the interests of Big Tech and traditional Big Pharma and Big Agri corporations.

In other words, placing a resource under a more open, rather than standard private property, regime without corresponding institutional processes for regulating the terms of data access and use will not make valuable data resources available for public benefit.²⁶ Controls on who can access global data public goods and under what conditions are essential in order to prevent free-riding and consolidation of intellectual monopolies at the root of inequalities in the digital economy. Also necessary are guarantees to recognize the sovereignty of communities from whom data is aggregated, and mechanisms for equitable benefit-sharing (monetary and non-monetary) from data processing with such communities.

Therefore, the enthusiasm around the promotion of global data public goods in the UN system needs to be matched by a commitment to the establishment of dedicated institutional mechanisms at the multilateral level for access and benefit sharing, akin to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. At the same time, it is important to recognize that the question of global data governance cannot be reduced to setting rules for the governance of global data public goods. This requires the Global Digital Compact to call for a new, binding global data governance regime that recognizes the right and duty of every state to provision and govern data resources to further the development of all its citizens.²⁷ The GDC must unequivocally endorse the autonomy of all nation-states to evolve domestic data governance regimes for their infrastructure development; set clear boundaries for the operations of the data

market and to protect human rights; and create an enabling environment to maximise the public and social value of data.

4) Revitalizing the international human rights regime for the digital epoch

Four proposed action areas in the GDC speak to rebooting human rights for the digital epoch: ‘protect data’; ‘apply human rights online’; ‘accountability for discrimination and misleading content’; and ‘regulation of artificial intelligence’. Drawn from the UNSG’s Roadmap on Global Digital Cooperation (2020), these agenda reflect two main shortcomings.

First, the idea of ‘applying human rights online’ does not capture the new categories of rights adequate to posthuman sociality – including the right to be forgotten, the right to be represented (or not) in digital systems, new labour rights for algorithmic work environments and so on. On a related note, the reduction of data rights to the single-point agenda of privacy and personal data protection ignores economic, social and cultural rights implicated in data value chains (such as the right to a decent living, the right to health, the right to education, the right to enjoy the benefits of scientific progress and so on).

Second, the UNSG’s proposals for content governance and AI regulation do not pin down accountability of transnational digital corporations for human rights violations in the emerging public sphere and economy. Multistakeholder models recommended by the UNSG’s Roadmap on Digital Cooperation document are unlikely to enhance international cooperation in AI. The experience of the 2019 Christchurch Call to Action in response to the livestreaming of a terrorist act, demonstrates the inefficacy of such approaches in addressing hate and extreme speech in platform environments.²⁸ The GDC requires a binding governance framework to hold states and corporations to account for a range of human rights vis-a-vis content platforms and AI development and deployment.

25 Quilligan (2013)

26 Broca (2014)

27 IT for Change (2022)

28 Pandey (2020)

In addition to promoting policy guidance through the multistakeholder advisory body on global artificial intelligence cooperation proposed in the UNSG's Roadmap, the Global Digital Compact must call for mandatory adherence to human rights in the development of frontier platform, data and AI technologies and penalties for corporate impunity.

Concluding reflections – cartographies and pathways

The digital transition is a defining frame, presenting the GDC process with a momentous opportunity for a renewed multilateralism. However, as things stand, the process towards the Compact confronts a profound epistemic divide that it must bridge by centering voices suppressed in the politico-economic terrain of international rule-making. Its avowal of values such as 'openness', 'freedom' and 'security' may not mean much for its legitimacy unless they pave the way for flourishing societies committed to constructive pluralism, equity and justice. The 'what' is important, but only in relation to the 'what for'.

The UN needs to make a clean break from the history of corporatized rule-making for the digital by embracing a radical and transformative path, grounded in the right of people to participate in the deliberation of issues impacting their lives and lifeworlds. Research on multistakeholder initiatives has demonstrated the deep conflict of interest stemming from placing corporations on an equal footing with states at the policymaking table.²⁹ Without institutional checks and balances to safeguard public reason in the process of weighing "which facts matter, how much, and for what purposes",³⁰ the proposed route of multistakeholder consultations towards the GDC is only likely to entrench the elite capture of the digital governance agenda, with powerful corporations calling the shots.

As we contemplate the future of multilateral democracy, the techno-social infrastructures of today are already determining our human and planetary destinies, posing troubling challenges. So, while

espousing the aspirational spirit of the human rights agenda, the GDC must also expand its commitment to a posthumanist, non-anthropocentric, feminist frame³¹ for a global digital constitutionalism.

This cannot be achieved through business-as-usual global digital cooperation mechanisms. It needs the ineliminable debate and dialogue to evolve the basis of public reason and global democratic governance modalities commensurate with a just, peaceful and sustainable digital tomorrow.

The GDC must hence be seen as one step, albeit significant, towards a longer process. It must achieve a consensus for a multilateral mandate on digitalization and sustainable human futures along the following key axes:

- Initiating a treaty process on digital human rights that articulates the nature of individual and collective autonomy (including protection from state excess and corporate impunity) in the epoch of data and AI as well as the right to development for an equitable international data order (echoing UNCTAD's call in its Digital Economy 2021 report).³²
- Setting up a new specialized agency on frontier technologies and sustainability sciences (akin to the ITU created at the dawn of the telecommunications era) to evolve work programmes, and establish inter-agency cooperation and system-wide coherence.
- Mobilizing dedicated public financing for development cooperation in digital infrastructure capabilities, including through ODA and international financial institutions.
- Internationalizing governance of Critical Internet Resources, the platformized cybersphere, and ICANN.³³

²⁹ Manahan/Kumar (2022)

³⁰ Jasanoff (2021)

³¹ Feminist Working Group (2023)

³² UNCTAD (2021)

³³ Hill (2020)

- I Overhauling global multilateral rules in trade, intellectual property and taxation for a just digital future.

In the final analysis, the efficacy of a global compact for our digital future to serve as an instrument of justice is predicated upon the very future of multilateralism. As newer questions appear on our digital horizons, we need a multilateral system that welcomes newer, and dissenting, agendas from the people. The GDC must be based on a structural scaffold that is designed for a predictable, accountable and abiding architecture for listening and responding to those who are less powerful. Networked multilateralism, as referenced in the UNSG's *Our Common Agenda*, must embody this ethos. As the 2013 African Union proposal for an International Constitutional Court argues, the 'right to democracy' is meaningful to all nations and peoples only when the multilateral order moves beyond state-centric rule-making to advancing "both the justiciability and accountability of governments and national justice systems and the protection of democratic practices of deliberative participation and social inclusion".³⁴

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Multi-Level Governance

Inclusive multi-level governance: the case for the meaningful involvement of local and regional governments and public service trade unions in the multilateral system of the future

BY EDGARDO BILSKY AND DARIA CIBRARIO

Every day, local and regional governments (LRGs) and their staff are on the frontline of the world's intersecting global crises. However, their roles are not yet adequately acknowledged, and their expertise leveraged in the global multilateral system as it currently stands. This article reviews the contribution of LRGs and their workers and trade unions to the global debate on the reform of multilateralism and identifies paths towards their meaningful inclusion through the future reform of the UN system. It advocates for a structural shift in the multilateral system enabling a genuine, two-way local-regional-national-level dialogue, strong LRG, worker and community participation in international policymaking, and inclusive global cooperation capable of integrating local solutions and policy innovation from the bottom-up to accelerate the concrete implementation of global public policy agendas.

Introduction

The 2015-2016 adoption of the United Nations 2030 Agenda for Sustainable Development, the New Urban Agenda (NUA) and the Paris Agreement on Climate Change laid the foundations for a new framework for global cooperation and multilateralism towards a better future for humanity and the planet. The urgency to fulfil these commitments has now become a life-or-death matter as current, concurrent emergencies are threatening the very existence of our planet, societies and civilization. However, in a context of intersecting global challenges – including pandemics, climate change, inequalities, and conflict – the multilateral system is in crisis. In 2020, on the occasion of its 75th Anniversary, the UN launched a global consultation on the future of multilateral institutions, as well as *Our Common Agenda*, the UN Secretary-General report on the reform of the UN system.¹ Also, in 2024 the UN will hold a “Summit of the Future” precisely on the theme “Multilateral Solutions for a Better Tomorrow” to advance this debate

and adopt a new “Pact for the Future”.² The urgency of this endeavour is witnessed by the 2022 establishment by the UN Secretary-General of the High-Level Advisory Board on Effective Multilateralism, whose recommendations will inform the 2024 UN Summit of the Future.

In a world where the frontlines of any emergency are eminently local, the international rise of cities and civil society as international actors points to the urgent need for the evolution of multilateralism towards a renewed global governance system meaningfully inclusive of local and regional governments (LRGs) and of legitimate, accountable non-state actors.³ The 2020 UN policy brief “COVID-19 in an Urban World”⁴ and the creation in 2020 of the UN Taskforce on the Future of Cities to review the role of LRGs in the future multilateralism are a proxy indication of the attention that LRGs have recently acquired in the UN system. More recently, the UN

1 UN Secretary-General (2021)

2 UN Secretary-General (2022)

3 UN DESA (2023); Saiz (2019)

4 UN (2020)

Secretary-General proposed to create a permanent Advisory Group of Local and Regional Governments to facilitate a more structured partnership with the UN System.⁵

Local and regional governments' contribution to the global debate on the reform of the multilateral system

This process comes as a result of a long tradition of peace advocacy, city diplomacy and city-to-city cooperation that has seen LRGs advocate since the 1990s for their acknowledgment as legitimate governmental partners in their own standing at the UN, beyond the UN Major Groups. In 1999, an UN Advisory Committee of Local Authorities (UNACLA) was established and attached to the Executive Director of UN-Habitat, composed of a group of mayors representative of the main global LRG networks. In 2016, the World Assembly of Local and Regional Governments was recognized as the representative mechanism for the interlocution between the UN and LRGs in the outcome document of the Habitat III Summit.⁶

Beyond UN-Habitat, LRGs have been actively engaged in different UN processes, programmes, and specialized agencies, including UNDP, UNEP, UNICEF and UN Women. LRGs participate as a united constituency at the UN High Level Political Forum (HLPF), in the Conferences of the Parties (COPs) on climate and biodiversity, in the UN Commission on the Status of Women, in UN-Water, in the International Migration Review Forum and in the Global Partnership for Effective Development Cooperation. LRGs collectively monitor and report to the HLPF on the localization of the SDGs, as well as the progress on the NUA, and have developed concrete initiatives such as Local for Action Hubs to support the implementation of global agendas.⁷ LRGs actively participate in the UNFCCC Race to Zero campaign and over 12,000 LRGs made commitments to reduce greenhouse gas emissions.⁸

LRGs are also active in the G20 and G7 processes through the Urban 20, and Urban7 gatherings.

As part of their contribution to the UN75 consultation the Global Taskforce of Local and Regional Governments (GTF) and United Cities and Local Governments (UCLG)⁹ conveyed the voices and vision of LRGs worldwide for the next generation of multilateralism: their report, “The Role of Local and Regional Governments in the Future Global Governance of the International System”, calls for a comprehensive multilateral system that acknowledges the realities of an urbanized and decentralized world.¹⁰ A system with true local-regional-national dialogue, strong community participation and more inclusive international policymaking and global cooperation to become a reality, catalysing the implementation of global agendas. LRGs propose an inclusive, multi-level, networked multilateralism based on collaborative relations across different levels of governments and communities, capable of reflecting local solutions and policy innovation from the bottom-up, but also of conveying the emerging challenges cities and territories face so they can be included and addressed in global policies. This vision places participatory democracy, decentralization and subsidiarity at the core of multilateralism to realize peace, human rights, social inclusion and sustainability from the ground up. The proposal also envisages a fair, effective global funding architecture to mobilize adequate resources to support LRGs in the localization of the global agendas.

Finally, the 2022 UCLG World Congress adopted its “Pact for the Future of Humanity” (the Pact), also as a contribution to the upcoming UN Summit of the Future.¹¹ The Pact was developed through a participatory process in consultation with key stakeholders (civil society, trade unions, academia, private sector) to deliver a new social contract with ‘care’ as an overarching principle at its heart, and universal public

5 UN Secretary-General (2021), p. 75.

6 UN Habitat (2016)

7 GTF (2017-2022); UCLG (2019); <https://local4actionhubs.uclg.org/es/global-map>

8 12,600 LRGs have committed to reducing 24 billion tonnes of CO₂ by 2030; <https://www.globalcovenantofmayors.org/>

9 The GTF gathers the majority of the global and regional networks of subnational governments (28 organizations). UCLG represents over 250,000 cities, regions and metropolises as well as more than 175 LRG associations worldwide.

10 GTF (2022)

11 UCLG (2022)

service access as the hallmark of a new, ‘caring society’. The three axes of the Pact – People, Planet and Government - are to be implemented through a feminist approach to politics, a new relationship with the planet, and self-government with local democracy. UCLG’s Pact also underlines the critical need for accountable multilevel governance and inclusive multilateralism to bridge local actions and global policies, such as promoting the respect for human rights at a local level (see also Box 1).¹²

Box 1

10, 100, 1000 Human Rights Cities and Territories by 2030!

Human rights are one of the founding pillars of the UN and are at the heart of global agendas. The Human Rights Cities movement emerged from different local and regional processes since the 1990s, triggered by growing urbanization and increasing social and economic challenges. Since the 2000s, LRGs worldwide have contributed to developing a universal culture of human rights through the implementation of human rights agendas at a local level and through the incorporation of a human rights-based approach in local policies (e.g., social inclusion, housing, participatory democracy, etc.). This approach turned into a global movement in the 2010s, thanks to the launch of several international initiatives under the auspices of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights and its leading cities (e.g., Gwangju, Mexico City, Saint-Denis, Barcelona). The Global Charter Agenda of Human Rights in the City, a pioneer document written by LRGs and based on their experiences, was adopted by UCLG in 2012. In addition, the Gwangju Principles for a Human Rights City defined for the first time the notion of “Human Rights City” in

2014 at the World Human Rights Cities Forum, the largest meeting of Human Rights Cities worldwide, which has been held annually since 2010 in collaboration with several UN agencies and the national government of the Republic of Korea.

In 2013, the Republic of Korea and other countries promoted the adoption of a UN Human Rights Council resolution to define the role of local governments in the promotion and protection of human rights, which promoted a structural dialogue between local governments and the UN, combining international trends and the analysis of municipal policies on human rights.¹³ The growing inequalities – exacerbated by the COVID-19 pandemic – pushed LRGs to further commit to the promotion of human rights. This engagement was reflected in the Global Campaign “10, 100, 1000 Human Rights Cities and Territories by 2030,” launched in 2022 by the Cities of Utrecht, Grigny, Gwangju, Mexico City, Vienna and Barcelona. The Global Campaign will contribute to connecting local initiatives at the international level, promoting networking, solidarity and multilevel cooperation, in line with the cooperation agreement signed between UCLG and the UN Office of the High Commissioner for Human Rights (OHCHR) in 2021.

Inclusive multilateralism for LRG workers and trade unions

LRGs are key state actors and institutions formulating policies and concrete solutions to fulfil global agendas and tackle the world’s intersecting crises. They are – beyond elected officials and politicians – comprised of working people who implement those policies and deliver vital services to communities and territories on an ongoing basis. Indeed, workers and trade unions are among the non-state actors critical to ensuring a more inclusive, effective multilateral-

12 The LRG movement has reaffirmed its involvement in achieving the human rights agenda and showcased its focus on people through the Lampedusa Charter for a Dignified Human Mobility and the 2020 Rome Charter. Also, the UCLG Municipal Peace Talks have put transformative city diplomacy at the centre of the peace agenda.

13 UN Human Rights Council (2015); see also <https://www.ohchr.org/en/about-us/what-we-do/partnership/local-governments>

ism rooted in human rights, solidarity, democracy, inclusive development, social justice and peace.

Traditionally associated with SDG 8 as key to the realization of Decent Work, workers and trade unions are in fact essential to the achievement of all of the SDGs. This is particularly evident in the case of local public service workers – the staff of LRGs – as they constitute and operate vital services and infrastructure to local communities with their labour.¹⁴ Decent working conditions in local public service workplaces are not only a fundamental human right requirement and a transformative commitment of the 2030 Agenda and the NUA, but also a pre-requisite to ensure equitable access to quality local public services to everyone, anywhere. This principle is well recognized by both UCLG and Public Services International (PSI) – the global trade union federation representing public service workers worldwide – in their 2020 Joint Statement in the context of the COVID-19 pandemic.¹⁵ The Joint Statement issued guidelines for their respective memberships to protect the most vulnerable in our communities by ensuring continued public service delivery, while keeping frontline workers safe and in decent working conditions.¹⁶

Yet, although many international workers and trade union organizations have consultative status with ECOSOC and are acknowledged within the Workers and Trade Unions UN Major Group, they are often overlooked in international policymaking, or assimilated into the wider civil society. The involvement of unions in the development of global policy frameworks varies greatly across UN agencies and other multilateral institutions, which undermines efforts to build a truly inclusive multilateral system. Under the slogan of “partnerships” and “multistakeholder initiatives” new forms of so-called “multistakeholderism” have gained popularity, although they often lack clear transparency and accountability rules and tend to serve primarily the interests of private business actors.¹⁷ However, several UN agencies do recognize

the fundamental contribution, professionalism and expertise that workers and trade unions bring to their missions and have meaningfully involved them accordingly, as shown by examples in Box 2.

Box 2

How are workers and trade unions involved in the governance of some UN agencies?

International Labour Organization (ILO): the ILO is the only tripartite UN organization, meaning that social partners – governments, worker and employer representative organizations “enjoying equal status”¹⁸ are embedded and integral to its governing bodies. Worker representatives elect 14 representatives to the Governing Body of the ILO, and therefore participate in the election of its Director-General, as well as in the standard-setting, programmes and daily operations of the organization.

World Health Organization (WHO): because of the critical role workers play in the protection and advancement of public health – including nurses, care, medical and hospital staff – the WHO recognizes their trade unions as a critical non-state actor to engage with in a systematic and sustained fashion in the interest of the organization.¹⁹ Representing health and care service workers globally, PSI has been included since 2018 among the currently 220 organizations with official status at the WHO, in compliance with its Framework of Engagement with non-State actors (FENSA).²⁰

International Maritime Organization (IMO): the IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. The International Transport Workers Union Federation (ITF) – the

¹⁴ See for example Cibrario (2021).

¹⁵ PSI/UCLG (2020)

¹⁶ PSI (2020)

¹⁷ See for example Buxton (2019).

¹⁸ Art 1(d) of the Declaration of Philadelphia, Annex to the ILO Constitution; https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO#A7

¹⁹ WHO (2023)

²⁰ WHO (2016)

global union federation representing millions of transport workers, including international maritime and urban transport workers – has had consultative status at the IMO since 1961. ITF worker representatives attend all IMO bodies and actively participate in five IMO Committees and seven Sub-committees.²¹

UN-Water: UN-Water includes PSI in its governance as a partner by its role as professional union representing water and sanitation workers worldwide. Partners take an active role in UN-Water meetings, engage in Expert Groups and Task Forces and provide support to specific activities. Their collaboration with UN-Water is guided by a set of Guidelines on UN-Water Partners.²²

When it comes to public services, difficulties with LRGs and public service worker unions meaningful involvement in multilateral organizations and policy systems are twofold. At the ILO, for instance, only central government representatives are acknowledged as public sector and public service employers regardless of level of government responsibility for service delivery, even if some ILO processes and discussions have recognized the role of LRGs in upholding decent work in public service provision, such as in the case of public emergency services, urban transport and public procurement.²³ Conversely, the role of trade unions and workers remains largely unacknowledged in several UN agencies and multilateral financial institutions. This includes UN-Habitat, where PSI, ITF and Building and Wood Workers' International (BWI) – the three global union federations mandated by the Council of Global Unions (CGU) to follow urban policies at the UN – members of the General Assembly of Partners (GAP) – are hardly consulted and involved in meaningful work on urban policies, public services, SDG 11 or with UNACLA,

although they hold the frontline expertise in these fields.²⁴

Conclusions

If humanity is to successfully tackle the multi-crises of our times, a structural shift in multilateralism is needed to make it more democratic and inclusive, to effectively advance peace, equity and social justice, and to truly work in the public interest. This is why LRGs ask for a full-fledged permanent seat at the decision-making table of the multilateral system, as per the UN Secretary-General's proposal to create an UN Advisory Group of Local and Regional Governments. Besides, trade unions and legitimate community organizations should be organically included and meaningfully consulted in global policymaking, and in multilateral institutions and processes, as they bring their unique frontline expertise that is so critical to implement all global agendas.

In addition, when it comes to life-saving public service provision, emergency response, the climate crisis, fighting inequalities and seeking innovative, practical solutions, both LRGs and their workers need an appropriate space and meaningful mechanisms to channel their voices, express their demands and recommendations – including their joint ones – and to be listened in the multilateral system. To do so, they also need to be enabled to carry out constructive social dialogue between themselves on a regular basis, to ensure that LRG workers are in decent conditions, with adequate staffing levels, training, safety and tools, so they can ensure continued local quality public service delivery to everyone in any community and territory.

This vision requires innovative, accountable mechanisms that strengthen cooperation and dialogue across the different spheres of government, meaningfully include legitimate non-state actors and civil society, and be based on collaborative governance, policy co-creation and implementation and ongoing dialogue. It also necessitates a new generation of legal, governance and policy frameworks based on

21 https://www.itfseafarers.org/sites/default/files/paragraph/issues-attachments/files/A4%20-%20Your%20Rights%20%E2%80%93%20The%20IMO_0.pdf

22 UN-Water (2021)

23 ILO (2009) and ILO (2018)

24 PSI (2022)

human rights and on a public-good approach that adequately recognizes LRGs, workers, civil society and other legitimate non-state actors each in their roles and areas of expertise; and that capitalizes on their complementarities and synergies.

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Spotlight on

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Perspectives on the future of international cooperation in times of multiple crises

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