

December 2022

country report

Multilateral Dialogue Geneva



Geneva Barometer

Developments among Geneva-based international organisations from mid-October to mid-December 2022.

Olaf Wientzek, Sarah Ultes, Cedric Amon, Louisa Mendoza

The 'Geneva Barometer' takes an occasional look at selected developments among international organizations based in Geneva.

The dramatic humanitarian situation in many countries is a growing concern in international Geneva - at the launch of the Global Humanitarian Overview on 1 December by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the growing gap between increasing needs and available resources became abundantly clear. Humanitarian actors in Geneva managed to play an important role in the extension of the Black Sea Grains Initiative.

A Special Session of the Human Rights Council on Iran succeeded in setting up an independent international fact-finding mission. For his part, the new High Commissioner for Human Rights, Volker Türk, is already setting the tone. In the WHO, many lines of conflict - some of which were anticipated - are crystallising in the preparatory work for a pandemic agreement, though these should be overcome by the World Health Assembly in 2024.

The brief honeymoon period after the June Ministerial Conference at the WTO is over: Fisheries discussions are blocked due to disagreements about personnel questions, there is no consensus on the difficult dossier of patent rights; there is however more movement on electronic trade. At the same time, prominent dispute settlement cases are coming into focus. The next Ministerial Conference will be held on 26 February in Abu Dhabi (UAE).

Humanitarian Aid

Global Humanitarian Overview 2023

On 1 December, Martin Griffiths, the UN Emergency Relief Coordinator, presented the new Global Humanitarian Overview (GHO) of the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA) for 2023.¹ OCHA expects the number of people in need to increase by about 20% to 339 million, twice as many as five years ago. Starvation is a very real risk for 45 million people. This is the biggest global food crisis in modern history. Ending extreme poverty by 2030 has become impossible, and women are suffering the most. To reach the 230 million most vulnerable people in 69 countries, \$51.1 billion is needed. This is \$10.5 billion or 25% more than just a year ago, and 461% more than a decade ago. While the funds required have risen accordingly, the number of donor countries has remained small (the USA provides almost half of the funds so far, Germany is by far the second largest donor, and the EU Commission is in third place).² Although in absolute terms more money is coming in, the funding gap is widening. Only 47% of the fund re-

¹ The Global Humanitarian Overview 2023 can be viewed [here](#), along with several graphics.

² A graphic representation of donor contributions can be seen [here](#).

quired for 2022 have been received, and numerous country situations are underfunded.³ Ten country situations alone, many of them in situations of war and conflict, require approximately \$30 billion. Of the 15 countries most affected by the climate crisis, 12 already had a humanitarian response plan. In addition to ongoing conflicts, the climate crisis and the secondary consequences of the Ukraine war, the economic impact of the COVID-19 pandemic and the growing costs of humanitarian operations themselves are also considered reasons for the sharp increase.

Black Sea Grain Initiative extended

OCHA highlighted the extension of the Black Sea Grain Initiative on 19 November for another 120 days as a positive signal. Griffiths even called it "probably the most important" achievement of his term. OCHA was involved in the negotiations for the extension, together with the UN Conference on Trade and Development (UNCTAD), other UN agencies and Geneva mediation actors. The agreement aims to stabilise prices and calm markets. Before the war, Ukraine was one of the world's largest grain exporters, accounting for 42% of global sunflower oil exports, 16% of maize exports and almost 9-10% of global exports of wheat and barley. The initiative has so far exported nearly 14 million tonnes of various agricultural products.⁴ In total, about half of the exports currently go to low- and middle-income countries, often UN-chartered vessels delivering humanitarian food aid to the Horn of Africa, Yemen or Afghanistan. In some cases, processed food is also forwarded to countries in need. Russia had criticised that the exports would not reach the countries that needed them most, but since the war of aggression Russia itself raised the export tax on wheat, barley and maize to 72%.⁵ While the Grain Initiative must be renewed every 120 days, on 22 July Russia and the UN Secretariat also signed a three-year memorandum of understanding committing to promote Russian food and fertiliser on world markets.⁶

The ICRC Under Pressure

The International Committee of the Red Cross (ICRC) also expects an enormous increase in humanitarian needs in the coming year, due to more than 100 armed conflicts, the worsening climate crisis and rising food and energy prices. The current need is 19% higher than last year, at 2.8 billion Swiss francs.⁷ In her first public speech at the end of November, the new President of the ICRC, Mirjana Spoljaric Egger, underlined the importance of neutrality for the ICRC. In times of extreme polarisation and politicisation it is all the more important to strengthen the "unique consensus" on international humanitarian law, instead of calling it into question. As the guardian of the Geneva Conventions, the ICRC has recently been criticised by Ukraine during the war, especially by President Zelensky, who equated neutrality with complicity. Some observers of international Geneva have also expressed doubts as to whether the ICRC should not publicly denounce massive violations of international humanitarian law by the Russian side. From the ICRC's point of view, unsatisfactory access to prisoners of war on both sides remains an urgent issue. In mid-October, the ICRC announced that while they had been able to visit hundreds of prisoners of war, there were thousands more whom they had not been able to see. ICRC Director General Robert Mardini stressed that the Convention breaches would only be publicly criticised if all other means of exerting influence had been exhausted. This was not the case at the present moment, he said, and there were even encouraging signs: when Spoljaric Egger visited Ukraine herself in recent days, the ICRC gained access to more prisoners of war. Further visits are to take place by the end of the month.

Human Rights

Special Session on Iran

In view of the violent crackdown on protests in Iran following the death of Mahsa Amini on 16 September, calls for a Special Session of the UN

³ A graphic representation of the funding status for different country situations can be found [here](#).

⁴ An up-to-date list of all exports can be found [here](#).

⁵ More information can be found [here](#).

⁶ The agreement can be found [here](#).

⁷ More information can be found [here](#).

Human Rights Council and an independent international fact-finding mission grew louder in Geneva. At the initiative of Germany and Iceland, the 35th Special Session on the human rights situation in the Islamic Republic of Iran, "particularly with regard to women and children", was finally held on 24 November.⁸ According to conservative estimates by the Office of the High Commissioner for Human Rights (OHCHR), by then well over 300 people had been killed and around 14,000 people (including children) arrested. Many demonstrators face the death penalty for "enmity against God" or "corruption on earth". Two men have already been executed, and dozens more, including children, could follow. The UN High Commissioner for Human Rights, Volker Türk, spoke of a full-fledged human rights crisis and called for an immediate halt to the violence, for the release of all those arrested for peacefully protesting, for a moratorium on the death penalty, and for respect for freedom of expression, association and assembly. With a remarkably clear majority of 25 to 6 (with 16 abstentions), the Council decided to set up a fact-finding mission. This mission is to investigate alleged human rights violations and collect evidence "in view of cooperation in any legal proceedings".⁹ Surprisingly, China tabled an oral amendment shortly before the resolution which aimed to abolish the mechanism, thereby depriving the resolution of its most important element. However, the motion was defeated. The German Foreign Minister Annalena Baerbock travelled to Geneva to support the German request. The Iranian representatives, who were all female, questioned credibility of the "so-called defenders" of human rights, especially Germany, France, the UK and the USA, and that it was solely because of their "smear campaign" that the peaceful protests in Iran had turned into violent uprisings. On 20 December, the members of the fact-finding mission have been appointed: three female law professionals from Bangladesh, Pakistan as well as Argentina.¹⁰

Volker Türk: his first weeks in office

Only a few weeks ago, on October 17, Volker Türk had taken over the leadership of OHCHR from his predecessor Michelle Bachelet. Considering it his duty to speak out about cases of serious human rights violations, he has already addressed numerous country situations, some of which have rarely, if ever, come to the attention of the Council or of the public. These include Haiti, Yemen, northern Mozambique, Egypt, Somalia and, most recently, Myanmar, as well as a wide range of issues, from digital transformation and the climate crisis, to international financial architecture and the debt issue. Türk sees the new human rights issues of the 21st century as critically important, such as artificial intelligence, online privacy, the role of social media and neurotechnology. In an open letter to Elon Musk, he called on the Twitter CEO to consider human rights as a central focus of the management of the platform. Two trips abroad have already taken Türk to Sudan, where he called for the return of civilian rule, and to Ukraine, where, he shared that his office receives daily reports of war crimes. On 7 December, a detailed OHCHR report on arbitrary executions and attacks on civilians by Russian troops in northern Ukraine in the period from February to April was published.¹¹ He also called for all parties to comply with international humanitarian law, especially in the treatment of prisoners of war. He also praised the OHCHR report on Xinjiang, published by his predecessor only shortly before the end of her term of office, highlighting its value and making clear that he would now address the recommendations it contained with the Chinese authorities. He sees the Universal Declaration of Human Rights (UDHR) as the core of his work. His central task is to revive the global consensus on the universality and indivisibility of the Declaration. Accordingly, one year prior to the 75th anniversary of the Universal Declaration of Human Rights on 10 December 2023, he launched a campaign on the lasting relevance of the Declaration and drew attention to the alarming fact that human rights, as one of the three pillars of the UN alongside development,

⁸ The entire session can be followed [here](#) and [here](#). A graphic illustrating support for a Special Session can be found [here](#).

⁹ Resolution S-35/1 can be found [here](#), and a graphic representation of the voting result [here](#).

¹⁰ The members of the fact-finding mission can be found [here](#).

¹¹ The report can be seen [here](#).

peace and security, receive only 7% of the UN budget, with his office receiving only 3%.¹²

Czech ambassador becomes new president of the UN Human Rights Council

A turbulent year is drawing to a close at the UN Human Rights Council. The outgoing president, Argentine Ambassador Federico Villegas, described himself in retrospect as the captain of a ship carrying precious cargo in a storm. Following the rotation principle between the regional groups, the Czech ambassador, Václav Bálek, was elected as his successor. In his opening speech, Bálek said that his own history, as well as that of his country, is a history of human rights. He announced that he would focus on prevention, participation, and strengthening the effectiveness of the Council's work.

World Trade Organisation

No consensus on the TRIPS Waiver 2.0

In June this year, after a tough ministerial conference in Geneva, Dr Ngozi Okonjo-Iweala, Director-General of the WTO, proudly announced the adoption of a compromise package.¹³ One component of this package solution was the agreement on a five-year partial suspension of patent rights for COVID-19 vaccines ("TRIPS Waiver"), which (so far) is limited to vaccines and their ingredients. The agreement also included a clause requiring members to decide within six months whether to extend the waiver for COVID-19 diagnostics and therapeutics. This deadline now expires on 17 December. The parties were unable to agree on an extension of the regulation before this deadline. The supporters and opponents of the agreement have remained largely the same. While the group around India, South Africa and Nigeria is vehemently fighting for an extension to COVID-19 diagnostics, the EU, the UK, Switzerland, Japan and Mexico remain firmly opposed to a further relaxation of intellectual property (IP) protection. This group highlighted the fact that no country has made use of the agreed TRIPS waiver to date. Moreover, demand from developing countries is

extremely low.¹⁴ This shows that the existing problems cannot be solved by softening IP protection. The USA also announced in early December that it does not support an extension of the waiver at this time. Instead, it has now commissioned its own trade authority to conduct a study to determine the effects of releasing patents for COVID-19 diagnostics and therapeutics. However, the first results are expected in nine months' time at the earliest. In the meantime, the discussion will continue in Geneva; during the last General Council meeting of this year, WTO members agreed to extend the initial deadline, but could not yet agree for how long.

A full calendar until the winter break - with a Ministerial Conference on the horizon

The WTO members officially agreed to hold the next Ministerial Conference ("MC13") on 26 February 2024 in Abu Dhabi in the United Arab Emirates. The other contender, Cameroon, will in turn host the 14th Ministerial Conference. While February 2024 may seem relatively far away at first sight, experiences have shown that discussions on difficult dossiers at the WTO take their time. Thus, pressure to address contentious dossiers and leftovers from MC 12 is slowly increasing. During the General Council meeting (19-21 December), Dr. Ngozi urged WTO members to come to an agreement to end the deadlock regarding the appointment of chairs for the fisheries and the agriculture negotiations.¹⁵ It's not the first time that opposing camps have fought vigorously about the appointment of negotiation chairs; a similar deadlock had already slowed down negotiations on fisheries during the term of Dr. Ngozi's predecessor Roberto Azevêdo.

One of the "leftovers" from the last Ministerial Conference was to move forward with WTO reform: The first informal meetings have taken place in recent months. However, experts are sceptical that an agreement will be reached before the next ministerial conference.

After a last-minute extension of the moratorium on tariffs on electronic transfers ("e-commerce moratorium") was reached at the last ministerial

¹² A graphic illustrating voluntary contributions to the OHCHR can be found [here](#).

¹³ See the June 2022 issue of the Geneva Telegram [here](#).

¹⁴ Read more [here](#) from Health Policy Watch.

¹⁵ <https://www.reuters.com/world/wto-chief-rebuked-countries-over-stalled-negotiations-2022-12-19/>

conference, members took up the work programme with renewed vigour. Negotiators paid particular attention to the development component of e-commerce. A submission by a group of 17 members - including China, Canada and Switzerland - seeks, among other things, to discuss possibilities for WTO-compatible taxation options that would also be compatible with the existing moratorium.¹⁶ The members of the Joint Statement Initiative on e-commerce met from 28 November to 1 December to discuss next steps for the coming year. During the meeting, two thirds of the proposals that received little support were withdrawn or merged with other submissions. Some observers complained that this approach primarily affected drafts from less influential members. The first Congress on Trade and Gender was organised in early December, demonstrating the Director General's commitment to her promises to promote gender equality in trade. The topic will be discussed at a youth symposium in November 2023, but may also play a role in the adoption of concrete measures at the next ministerial conference.

Dispute resolution

The EU delegation requested the establishment of a panel case against China. One count is aimed at the trade barriers imposed against exports from Lithuania, and exports from the EU containing Lithuanian goods. The second count is to address the legality of Chinese restrictions against EU patent holders. China refuses to recognise procedural decisions of non-Chinese courts in disputes relating to standard-essential high-tech patents. The need for a functioning arbitral tribunal at the WTO is once again emerging. The first instance of the organisation announced a number of important decisions, such as on the US punitive tariffs on steel and aluminium. The punitive tariffs, which were still enacted under the Trump administration in March 2018 to protect the domestic aluminium and steel industry, were passed with reference to national security. Now they have been ruled incompatible with WTO rules by the first arbitration panel. The reason given was that these rules had not been adopted in times of war or in-

ternational emergency. The US government rejected this decision as erroneous and could now appeal to the Appellate Body. However, the de facto suspension of this body since December 2019 means that members "appeal into the void". Other significant cases have also been announced, such as China's case against the US over the export ban on chip technologies, and Russia's complaint against Lithuania and the EU over trade restrictions against Kaliningrad. At the trade policy review of the USA at the start of December, the Chinese WTO ambassador made harsh statements, claiming that the USA was a "bullying hegemon" endeavouring to destroy the multilateral trading system. These statements made it clear that WTO debates are once again entering stormier waters after the relative calm that followed the aftermath of the Ministerial Conference.

Global Health

Preparation of "zero draft" for pandemic agreement reveals lines of conflict

At a Special Session in December 2021, the World Health Assembly (WHA) decided to negotiate an agreement on pandemic prevention, preparedness and response. The Intergovernmental Negotiating Body (INB) created by the WHA is currently discussing a so-called "conceptual zero draft".¹⁷ In the document published shortly before the third meeting of the negotiating body at the beginning of December, major lines of conflict for the upcoming negotiations are already appearing. In the preamble, for example, the concept of "common but differentiated responsibilities" (CBDR) is taken up. This concept is already anchored in some environmental treaties such as the Rio Declaration. It outlines that all states have common goals and obligations, but bear different responsibilities depending on the technical and financial resources at their disposal. Developing countries in particular wanted to apply this approach to global health, while the US, EU and Australia had opposed it in advance. Intellectual property is another highly charged issue, and several textual options are proposed. Three proposals reaffirm the relevance of

¹⁶ The template can be seen [here](#).

¹⁷ The document can be viewed [here](#).

intellectual property protection, while one identifies intellectual property as an obstacle to the full realisation of the right to health and scientific progress for all. Of central importance are measures on distributive justice ("equity"). In principle, all sides emphasise the importance of this issue, but there are different interpretations of what this means in concrete terms. The draft contains provisions on global supply chains, logistics networks, stockpiling of products for pandemic control, technology access and transfer, and strengthening local and regional production capacities. It also aims to strengthen cooperation with the private sector to enable voluntary technology and knowledge transfer. Some terminology is still undefined; Singapore, for example, demands that the term "pandemic" be defined, while Bangladesh demands clear rules for declaring a Public Health Emergency of International Concern (PHEIC). China, alongside many other states, is reticent - especially when it comes to questions of access and sovereignty. There is also dispute over how strongly and bindingly the One Health approach should be reflected in the document; the EU wants ambitious language, while the USA, alongside Latin American and African countries, is more cautious on the matter. Climate change, loss of biodiversity, degradation of ecosystems, wildlife trade and antimicrobial resistance are considered by experts to be important issues that need to be addressed in terms of efficient pandemic prevention.

The draft also contains proposals to improve the dissemination of research results, and to disclose funding for research and development as well as the prices and contractual terms used by companies for pandemic products. Likewise, measures are proposed to limit compensation and confidentiality clauses in commercial contracts between countries and manufacturers of pandemic products, e.g. for vaccine supplies.¹⁸ The capacities of national and, where appropriate, regional regulatory authorities should be strengthened to ensure timely approval of pandemic products. The parties should develop provisions to enable rapid, transparent and secure exchange of pandemic risk pathogens and genetic sequence data. There are also discussions on the financing of future pan-

demetic responses. The draft proposes to give priority to domestic funding. There is only an implicit reference to the World Bank's Pandemic Fund; some countries such as Namibia proposed setting up a financial instrument linked to the WHO. A governing body is to be created to monitor the implementation of a pandemic agreement. There are different views on the involvement of non-state actors; civil society organisations reject the inclusion of the pharmaceutical industry or the Gates Foundation. Overall, the draft attempts to include differing recommendations. It is therefore sometimes criticised for its lack of coherence. At the INB meeting, most member states were in favour of using it as a basis, but expressed the wish for a more detailed text and more precise definitions. Several countries also called for close coordination between the discussions on a possible pandemic treaty, and the partial supplementation of the International Health Regulations taking place in parallel. The zero draft is now due to be ready by February 2023. The goal remains to adopt an agreement as early as 17 months from now, in May 2024, at the 77th World Health Assembly.

Changes to the WHO staff roster

The current director of the Wellcome Trust, the British Jeremy Farrar, is to become WHO's new chief scientist in the second quarter of 2023, succeeding India's Dr Soumya Swaminathan. The new Chief Nursing Officer will be the former Minister of Health of Tonga, Amelia Latu Afuhaamango Tuipulotu.

World not on track in the fight against AIDS

The UNAIDS report¹⁹ presented at the end of November stated that there is a risk the goal of defeating AIDS by 2030 will not be reached. At the presentation of the report, UNAIDS Director Winnie Byanyima identified patriarchal structures, gender inequality and the criminalisation and stigmatisation of affected groups as the key obstacles. According to the report, women accounted for 49% of new infections worldwide in 2021, but 63% in sub-Saharan Africa. Children are particularly affected, according to the report, accounting for 4%

¹⁸ Detailed analyses can be found on Health Policy Watch and Geneva Health Files.

¹⁹ The full report can be found [here](#).

of new cases but 15% of AIDS-related deaths. According to the Global Aids Update presented in July, there were an estimated total of about 1.5 million new infections worldwide in 2021. At the same time, HIV programmes in low- and middle-income countries are underfunded by a total of \$8 billion.

Peace and security

Ninth Review Conference of the Biological Weapons Convention

The Ninth Review Conference of the Biological Weapons Convention, the first global disarmament treaty that was supposed to ban an entire category of weapons of mass destruction in 1972, took place in Geneva from 28 November to 16 December. However, it is considered outdated and, due to the lack of a review mechanism and numerous grey areas, as one of the weakest of all disarmament treaties. It is also the only convention on weapons of mass destruction that does not have its own organisation to implement it. As in the UN Security Council in New York at the beginning of November, during the three-week meeting in Geneva the Russian delegation once again accused the USA of running a biological weapons programme in Ukraine. Ukraine, on the other hand, expressed the suspicion that Russia was using this as a pretext to advance its own biological weapons. In the past, the USA has spoken out against a verification mechanism, but showed itself to be quite open in Geneva. While some good opportunities were missed, observers see the adoption of a final document by consensus as well as the establishment of a Working Group as a positive sign. The Group is tasked to make recommendations on how to strengthen the BWC and address advances in science and technology as well.

25th Anniversary of the Treaty on the Prohibition of Anti-Personnel Mines

From 21-25 November, the signatory states of the Treaty on the Prohibition of Anti-Personnel Mines met in Geneva. But even 25 years after the treaty was signed in Ottawa on 3 December 1997, and 164 states have acceded to it, it is more important than ever. After a decline in the use of landmines,

there has been a dramatic increase, especially since 2015. Last year there were 5,544 landmine victims,²⁰ most of them in Syria and Afghanistan. The use of landmines in Ukraine and Myanmar was newly identified. Since the start of the Russian war of aggression in February, Ukraine has been one of the most heavily mined countries in the world, with Russia using up to seven different types of anti-personnel mines. So far, a disproportionate number of children have been among the victims. Russia, China and the USA, among others, have not yet signed the Treaty. While some good opportunities were missed, observers see the adoption of a final document by consensus as well as the establishment of a Working Group as a positive sign. The Group is tasked to make recommendations on how to strengthen the BWC and address advances in science and technology as well.

WIPO - Germany falls somewhat behind in international patent comparison

The World Intellectual Property Organization (WIPO) published the annual World Intellectual Property Indicators report. The report shows that despite the COVID-19 pandemic, the filing of patents increased by 3.6% compared to the previous year, with approximately 3.4 million applications. 67.6% of applications were received at WIPO offices in the Asian region. Germany's patent office registered a 5.7% decrease in applications compared to the previous year. The European Patent Office, on the other hand, experienced a 4.7% increase in patent applications. Unsurprisingly, most of the German patents related to mechanical engineering, while in China and the USA, patents or applications for patenting were filed predominantly for computer technologies.

IOM: competition for leadership

In mid-November, the current Director General of the International Organisation for Migration (IOM), Antonio Vitorino, announced his renewed candidacy for the top post. He will enter the race against the American Amy Pope, who is currently

²⁰ The Landmine Monitor 2022 can be found [here](#).

Deputy Director General for Management and Reform. The election is scheduled for the Special Session of the IOM Council in June 2023.

Commentary

Worrying figures in the field of humanitarian aid are nothing fundamentally new in Geneva. However, the current numbers are particularly dramatic. The same applies to the funding gaps - not only at OCHA, but also at the ICRC and UNHCR. As far as multilateral aid is concerned, the engagement of some major donors has not diminished. But it is not nearly enough to cover the massive increase in needs that has been climbing for years. The consequences of the Russian attack on Ukraine have further exacerbated the situation.

In any case, other factors, including the consequences of climate change, are massively exacerbating the humanitarian situation in many regions. Another issue that keeps coming up in Geneva is that large "Western" donors are accused of massively cutting funding for other regions of conflict in favour of Ukraine. As far as multilateral aid is concerned, the picture is much more nuanced however. Nevertheless, the accusation should be taken seriously. Multilateral humanitarian engagement cannot, however, be shouldered permanently by a very small number of donors. Even if the contributions are not calculated in absolute terms but per capita and weighted according to economic strength, there is still room for improvement for numerous countries with (now) high and higher middle incomes from several continents (not only from Europe).

Konrad-Adenauer-Stiftung e. V

Dr. Olaf Wientzek
Director Multilateral Dialogue Geneva
European and International Cooperation
olaf.wientzek@kas.de



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