

May 2024

country report

Multilateral Dialogue Geneva

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Geneva Barometer

The 'Geneva Barometer' takes an occasional look at selected developments among international organizations based in Geneva (January to Mid-May 2024)

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When you open this week's issue of the weekly magazine *The Economist* (May 11th -17th 2024), you will find one of the top headlines: ***The world's rules-based order is cracking.***

For observers of multilateral processes and institutions in New York and Geneva, this statement comes as no surprise. The post-Cold War phase in which democratic systems, civil liberties and a liberal and globalized economic order were believed to be gaining the upper hand, lasted a decade. By 9/11 and its aftermath, new security threats had emerged that challenged not only respect for human rights in the fight against terrorism, but also the principle of state sovereignty. The state sovereignty enshrined in the UN Charter and the international law principle of non-interference in internal affairs were also increasingly used by autocratic regimes to evade criticism at international level and accountability for disregarding established norms and principles of international law.

At the beginning of April this year, the 30th anniversary of the genocide in Rwanda was commemorated. In response to the apathy of the international community at the time, as well as the genocides in Srebrenica and Kosovo, the concept of the so-called responsibility to protect (R2P) was adopted by the UN General Assembly in 2005. This enables the international community to intervene if a state fails to protect its population from genocide and war crimes. The adoption of such a resolution, which encroaches so extensively on the sovereign rights of states, would be unthinkable today, even if it has no binding effect. And the fact that R2P has so far only been used once in the UN

Security Council as a basis for action by the international community (establishment of a no-fly zone in Libya in 2011) also reveals the difficulties in finding a common political will within the international community to protect human rights and basic principles of international law.

In addition to the frequent lack of political will, it is above all the lack of sanctioning mechanisms to hold states and individuals accountable in the event of a violation of the rules-based order. China continues to pursue its territorial claims in the South China Sea despite the arbitration ruling of the Permanent Court of Arbitration in The Hague (2015) in favor of the Philippines. Russia was able to annex Crimea in 2014 without this leading to far-reaching consequences. And in the past, the arrest warrants issued by the International Criminal Court have mostly come to nothing (see the example of the former Sudanese dictator Al-Bashir).

The rules-based world order has been eroded for years. The structure of the institutions that support this rules-based world order suffers from structural founding decisions and systemic weaknesses, some of which are problematic today, which in turn contribute to the erosion of the foundations. First and foremost, there is the veto of the permanent members of the Security Council, the consensus principle of the World Trade Organization, but also the chronic underfunding of the UN system in relation to its catalogue of tasks.

However, there are no alternatives to this standard-setting United Nations system, anything that would take into account the interests of even the smallest states.

Even in the tense atmosphere of these days, in which the arguments of the double standards of Western states in relation to Ukraine and the humanitarian consequences of Israel's fight against Hamas in Gaza, in particular render moral appeals futile, the international community continues to attempt to shape the multilateral order, address the developmental and security challenges posed by AI and digital technologies, and tackle necessary reforms.

It is becoming clear that the problems of multilateralism in the 21st century require a cross-organizational approach and that the discussions in New York and Geneva, as well as the parallel discussions and tracks of negotiation at these locations, must be much more closely interlinked.

Intellectual property rights are not only a major issue for the World Intellectual Property Organization (WIPO), which is specifically responsible for this, or for the World Trade Organization (WTO). The member states of WIPO are currently meeting in Geneva to finalize a legally binding international agreement on intellectual property, genetic resources, and the associated traditional knowledge on their possible applications.¹ This is particularly important for the countries of Latin America, Africa, and Asia from a development policy perspective, but also directly affects the rights of indigenous population groups in numerous cases.

During the negotiations on the pandemic agreement in the context of the World Health Organization, intellectual property rights and the associated issues of technology transfer to achieve fairer access to medical products also became one of the most contentious points of these negotiations. A point that could not yet be conclusively negotiated even 10 days before the start of the World Health Assembly (26-31 May 2024), at which the pandemic agreement is to be adopted (cf. chapter [Global Health](#)).

The topics of intellectual property and artificial intelligence (AI) are interlinked in many ways, particularly in the areas of technology transfer, innova-

tion and regulation. The current discussions on intellectual property currently taking place in Geneva and other international forums also raise important questions about the use of digital technologies and AI. The challenge here is not only to take a holistic view of the development and security policy aspects, but also to consider the human rights implications.

The AI for Good Global Summit will take place in Geneva from 29-31 May 2024. This global summit, organized by the ITU, is dedicated to the use of artificial intelligence from a development policy perspective and aims to identify practical applications in areas relevant to achieving the Sustainable Development Goals, such as health, education and infrastructure. At the same time, the member states are negotiating a Digital Pact in New York, which will become part of the Pact for the Future to be presented in September (cf. chapter [Digital Affairs](#)). The Digital Pact like the AI for Good Global Summit focuses primarily on the use of AI in the context of development.

Although the policy brief on a New Agenda for Peace presented by Secretary-General Guterres in July 2023 clearly calls for a legally binding instrument that prohibits the use of lethal autonomous weapons systems (LAWS) that are used without human control and violate international humanitarian law, the regulation of the use of AI-controlled weapons with and without human control still appears to be fragmented and discussed in various negotiating forums mainly outside the UN.

In December 2023, at least under the leadership of Austria, a legally non-binding resolution on LAWS (78/241) was adopted by a large majority in the First Committee of the United Nations General Assembly, calling for further steps to establish a process to regulate LAWS. Only Russia, India, Belarus, and Mali voted against such an initiative. However, many states appear to favor a non-binding framework (soft law) such as that presented by the US with its initiative on the responsible use of

¹ The "Diplomatic Conference on the conclusion of an international legal instrument on intellectual property, genetic re-

sources and traditional knowledge associated with genetic resources" will take place from May 13-24, 2024. Further information can be found [here](#).

AI in the military sector in November 2023. By February 2024, 52 states had signed up to the US initiative.

In a year in which we will be celebrating the 75th anniversary of the Geneva Conventions in August, the topic of international humanitarian law and AI-controlled weapons systems will certainly gain even more momentum. So far, the UN Security Council has found it difficult to address security risks posed by digital technologies and AI, partly due to resistance from Russia and China. When it comes to cybersecurity, at least the ice seems to have been broken and there have been various rounds of discussion on the topic in the Security Council since Estonia's initiative in July 2020. However, the dangers posed by AI in conflicts were discussed for the first and so far, only time in a meeting at ministerial level during the UK's Security Council presidency in July 2023.

In addition to geopolitical rivalries and increasingly polarized debates, the sword of Damocles hangs over the UN organizations. In international Geneva, the UN's current liquidity crisis is having the most lasting impact on the work of the Office of the High Commissioner for Human Rights. This comes at a time when mandates are not only being extended, but new ones are also being established (e.g. independent group of experts on Belarus). After member states' payment arrears amounted to USD 859 million at the end of 2023, the hiring freeze on UN staff imposed in July 2023 was extended until further notice. To find ways to make savings, the organization has already gone so far as to consider whether the visits by special rapporteurs to investigate country situations could be reduced to one per year. This would limit the quality of the special reporting instrument in the long term at a time when the need for it is constantly increasing (cf. chapter [Human Rights](#)).

The cracks in the rules-based order therefore exist not only in the system but also in the institutions that represent it. The need for action and the associated political will of the member states are therefore more necessary today to preserve the rules-based order.

Global Health

No Finish Line Yet: Countdown to Consensus on a Pandemic Agreement

Despite extensive efforts and significant diplomatic pressure, the Intergovernmental Negotiating Body (INB) for a pandemic agreement was unable to finalize their work by the originally planned deadline of May 10, 2024. Member states have decided to extend the negotiations until the World Health Assembly (WHA), which convenes on May 27, 2024.² The updated schedule sets the final INB meeting for May 20-24, 2024. Media reports indicate that especially African states advocated for the talks to continue.

An initial breakthrough seemed to have been achieved with the negotiating text from April 16.³ The overall text demonstrated greater balance compared to earlier versions. Emphasizing the sovereignty of member states as a guiding principle, it explicitly outlined that the WHO would not possess direct powers to intervene in national law. Following approval at the WHA, the pandemic agreement will require ratification by all participating states in accordance with their respective national provisions.

At the core of the pandemic agreement and crucial to enhancing equity is the establishment of a system that facilitates pathogen access and ensures equitable sharing of benefits (Pathogen Access and Benefit Sharing (PABS) System). This compensation mechanism aims to fairly distribute the advantages derived from shared pathogen use and information, including access to pandemic-related health products and other forms of compensation, both monetary and non-monetary. By the time of the WHA, only a consensus on fundamental aspects is to be achieved, while details are to be discussed in a follow-up intergovernmental working group (IGWG). These discussions will address issues such as the release of pathogen samples and gene sequence data outside the system, as well as whether pharmaceutical company participation in the system should be voluntary or mandatory. Additionally, distribution quotas, fi-

² The WHO press release can be found [here](#).

³ The negotiating text officially published on the WHO website on April 22, 2024 can be found [here](#).

financial contributions, and in-kind transfers in inter-pandemic periods will be further refined in a subsequent process. However, preliminary indications suggest that an agreement will require at least an initial framework for distribution quotas. Debates have arisen regarding the proposal in the text that the WHO should receive 20% of real-time production (10% as donations and (up to) 10% at affordable prices). The pandemic agreement also aims for member states to collaborate in fostering a geographically diversified research and development landscape.

It is particularly encouraging that the agreement now comprehensively addresses all phases of the pandemic cycle – ranging from pandemic prevention to preparedness to response (PPPR) – in a well-balanced manner. The explicit inclusion of an One Health approach, emphasizing the interconnectedness of human, animal, and environmental health, within the PPPR framework is also commendable. Furthermore, the agreement stipulates that national pandemic plans must explicitly address antibiotic resistance. Detailed provisions regarding these aspects are expected to be developed after the adoption of the pandemic agreement in another IGWG.

The pivotal role and responsibilities of healthcare and nursing personnel should be reinforced, coupled with enhanced protections for their safety. The establishment or enhancement of medical emergency teams is proposed to bolster global emergency response capacities, facilitating swift interventions during crises.

Controversial topics such as the principle of common but differentiated responsibilities (CBDR) from the environmental sector, waiving intellectual property rights, and the establishment of additional funds were not included in the negotiating text, despite being regularly reintroduced in the final weeks of negotiations. Instead of new sources of funding, the negotiating parties have suggested

a financial coordination mechanism aimed at leveraging existing resources more effectively. Discussions regarding the location of this mechanism are ongoing, with considerations involving both the Pandemic Fund and the WHO. Ultimately, this decision likely hinges on governance structures and, most importantly, trust.

The draft resolution⁴ will finalize the legal basis of the pandemic agreement (likely under Article 19 of the WHO Constitution) and outline the IGWG's continued efforts in establishing the Conference of the Parties (CoP), the PABS system, and the One Health approach. These efforts will shape the framework outlined in the agreement by May 2026. Recently, New Zealand, Singapore, and Colombia proposed a protocol solution to ensure that the outcomes of the working groups align with the implementation of the pandemic agreement.

It is now crucial for member states to reach compromises, particularly on the PABS system, even amidst challenging conditions in the final week of negotiations.⁵ Observers anticipate that achieving consensus on this issue could pave the way for compromises on other outstanding matters.⁶ Therefore, it is significant that the negotiation rounds will commence with two sessions dedicated to this topic. Despite geopolitical tensions and financial constraints, it is imperative for WHO member states to demonstrate their capacity for action by solidifying the negotiation status for the advancement of global health.

Agreement expected on proposed amendments to International Health Regulations

The International Health Regulations (IHR) are crucial as they promote and synchronize cooperation and coordination between countries in addressing global health threats, even beyond the specific case of a pandemic. The revision by the WHO member states had become necessary to use experience from the COVID-19 pandemic to make measures to prevent, prepare for and respond to

⁴ The draft resolution has not yet been officially published by the INB-Bureau, but has been made available [here](#) by Knowledge Ecology International. However, it requires revision, as some of the cross-references refer to articles that no longer exist in the negotiating text.

⁵ For example, the Executive Board's Programme, Budget, and Administration Committee (PBAC) will meet in parallel from May

22-24, 2024, and not all member states will be on site with their negotiating delegation the week before the WHA, but will participate in the INB online, which will make it more difficult to reach a compromise.

⁶ The onscreen text up to Friday, May 10, 2024, shows at least with some passages highlighted in green (agreed in plenary) and yellow (agreed in the drafting group) where there is still a need for agreement. The text can be found [here](#).

health crises more effective and to achieve a more equitable distribution of pandemic-related products.

Negotiations in the corresponding working group IHR (WGIHR) are well advanced⁷, as existing IHR regulations last revised in 2005 already served as a basis. Member states submitted proposals for amendments by September 2022, which were discussed in the WGIHR and integrated into a new proposal.⁸ However, the consultations will also continue until shortly before the World Health Assembly. Instead of the conclusion originally planned for April 26, the meeting was extended by two days on May 16 and 17, 2024.

The cornerstone of the International Health Regulations (IHR) remains the designation of a 'public health emergency of international concern' (PHEIC), now supplemented by a pandemic-related assessment. This new assessment defines both a 'pandemic' and a 'pandemic emergency' as PHEIC, that is infectious in nature and that meet further criteria.⁹ The inclusion of a 'pandemic emergency' as a precursor to a potential pandemic is particularly notable, emphasizing a preventive approach. Equity and funding have also played a significant role in this process and were extensively discussed during a full-day session in March. New paragraphs in Article 13 operationalize the principles of equity and solidarity, especially concerning health products and technology transfer during emergencies.

The updated text also proposes the coordination and adaptation of existing financial mechanisms

to support the implementation of the IHR and provide effective assistance to states in need of financial support (Article 44 2bis). A review of the global financing landscape is suggested two years after the proposed amendment's entry into force to ensure it aligns with Member States' needs and facilitates efficient IHR implementation.¹⁰

There is concern that the completion of the Working Group on International Health Regulations (WG IHR) hinges on the simultaneous progress of the Intergovernmental Negotiating Body (INB) on the pandemic agreement. This situation raises fears that it could potentially result in a deadlock of the new IHR at the World Health Assembly.

GAVI Board supports vaccine production in Africa

Given the critical importance of access and equity, especially in the context of relations between industrialized nations and low- and middle-income countries, the GAVI initiative to bolster vaccine production in Africa sends a significant signal.

In December 2023, the Board¹¹ of the GAVI Vaccine Alliance in Accra, Ghana, made pivotal decisions to advance the fight against pandemics.¹² A key development was the approval of a new financing mechanism known as the African Vaccine Manufacturing Accelerator (AVMA), spearheaded by Germany during its G7 presidency. This mechanism holds the potential to enhance regional vaccine production in Africa. The AVMA aims to strategically allocate grants to support African manufacturers in entering the market and developing a

⁷ The WGIHR-Bureau's text proposal of April 17, 2024 is [here](#).

⁸ In contrast to critics' opinions, the submission of the proposed amendments by September 2022 has comfortably met the 4-month deadline stipulated in Article 55 of the IHR. Furthermore, the WGIHR was appointed by the WHA, the governing body of the IHR, with full authority to interpret the amendments.

⁹ A "pandemic" is defined as an infectious emergency that spreads across multiple WHO member states in various regions, exceeding the capacity of health systems in these countries and causing social, economic, and political disruptions, necessitating rapid, equitable, and enhanced coordinated international action. A "pandemic emergency" refers to a situation where such conditions are anticipated to arise.

¹⁰ Furthermore, the text includes several technical innovations, such as provisions for early warnings, methods, and criteria for determining the nature of emergencies, guidelines for handling personal data, the status of health documents, the responsibilities of the Director-General, and the interactions between States Parties and the WHO during emergencies. Additionally, it addresses a "de-escalation framework" for concluding emergencies, like the situation with COVID-19.

¹¹ The Gavi Board consists of representatives from partner institutions such as UNICEF, WHO, the World Bank and the Gates Foundation, who hold permanent seats, donor and recipient countries, as well as the vaccination industry. One third of the voting members are independent individuals with no direct connection to Gavi, who contribute expertise in areas such as investments, auditing, and fundraising. Germany is represented by the Federal Ministry for Economic Cooperation and Development.

¹² Among other decisions, the Board endorsed the establishment of a "Day Zero Financing Facility" and a "Vaccine Coalition" to swiftly disburse funds in future pandemic scenarios and enhance collaboration. Additionally, it was agreed to phase out the COVAX facility by the end of the year. COVAX has thus far supplied nearly 2 billion COVID-19 vaccine doses to 146 countries, significantly contributing to the pandemic response. Furthermore, the Board committed to providing additional fully funded vaccine doses to Gavi partner countries to address pandemic-related disruptions in routine immunization. The approval for testing six new vaccines, including those targeting dengue and tuberculosis, was also granted.

robust infrastructure that can compete sustainably. Currently, Africa imports approximately 99% of its vaccines, leading to supply chain vulnerabilities and disadvantages during crises such as the COVID-19 pandemic.

GAVI's support aligns with the vision of prominent African leaders to have 60% of vaccines used in Africa produced locally by 2040. Over the next decade, African manufacturers aim to produce up to 800 million vaccine doses. Additionally, AVMA seeks to ensure that at least 700 million vaccine doses can originate from Africa during future pandemics. GAVI anticipates that AVMA will foster the long-term competitiveness of local manufacturers and bolster the continent's health security.

The official launch is scheduled on June 20, 2024, in Strasbourg, with the African Union (AU) and under the patronage of the French President Emmanuel Macron. The objective is to raise up to \$1 billion over a 10-year period. The primary focus is on initiating and expanding vaccine production in Africa to diminish reliance on imported vaccines. Concurrently, the next replenishment of the GAVI fund for the 2026-2030 strategy period will be initiated alongside the AVMA launch.

Enhancing the Global Health Architecture: The Global Fund advocates for heightened collaboration and coordination among stakeholders during times of crisis and economic strain

During its 51st meeting in Geneva in April 2024, the Board of the Global Fund to Fight AIDS, Tuberculosis, and Malaria acknowledged the numerous challenges—including climate change, conflict, threats to human rights and gender equality, and economic pressures—that impede the goal of defeating AIDS, tuberculosis, and malaria by 2030. The discussion on how countries can sustain progress despite unstable conditions was a focal point of the meeting.

The Board underscored the importance of enhanced collaboration and coordination among global health entities to effectively tackle these challenges. Germany remains committed emphasizing particularly on human rights and gender equality.

The resource mobilization for the current funding period of the Global Fund is proceeding as planned, and preparations for the 2025 replenishment conference are underway. The Board emphasized the necessity for close collaboration and coordination among global health partners, including the World Health Organization (WHO), the Vaccine Alliance GAVI, the Global Financing Facility for Women, Children, and Adolescents, and the World Bank, to ensure sustainable financing and to leverage synergies.

Given that the Global Fund is at the tail end of a series of resource mobilization efforts culminating in its replenishment conference, it will be crucial to craft a unified narrative for investment projects within the broader context of the global health architecture.

Digital Affairs

2024 - a year to set the course for the UN and the digital future

In New York and Geneva, the United Nations and its Member States are working under high pressure to prepare for the UN Summit of the Future, which will take place on 22-23 September. The Federal Republic of Germany and Namibia are co-facilitators of the process. In parallel to the negotiations on the Pact for the Future, States are negotiating texts for a Global Digital Compact (GDC) as well as a Declaration on Future Generations. The Global Digital Compact, co-facilitated by the Kingdom of Sweden and the Republic of Zambia, aims to set guidelines for an "open, free and secure digital future for all".¹³ Consultations on the GDC between UN member states and with the involvement of civil society began as early as January 2023. They are supported by the Office of the Secretary-General's Envoy on Technology (OSENT). On 1 April 2024, a [13-page preliminary draft \("zero draft"\)](#) was presented to the member states and first negotiated on 5 April. Further intergovernmental negotiations were scheduled for 2 May and 16 May. Civil society was consulted on multiple occasions throughout the process and will have another opportunity to further discuss the

¹³ <https://unric.org/de/globaler-digitalpakt12062023/>

question of how it can support the Pact for the Future and the GDC during the [2024 UN Civil Society Conference \(Nairobi, Kenya, 9-10 May\)](#).

The zero-draft of the Global Digital Compact is divided into five chapters, which range from addressing digital development differences, to the expansion of an inclusive digital economy, to an open and secure digital space. The text aims to provide an inclusive and strategic vision for the achievement of global connectivity as well as for open, secure and human rights respecting access to the digital sphere. The compact also addresses the need for coordination and interoperability of governance frameworks with regards to artificial intelligence (AI) and emerging technologies in order to leverage them for the achievement of the SDGs. A standout feature of the GDC zero-draft is that each segment in the text is explicitly linked to sustainability goals. Moreover, the overall process that led to this zero-draft deserves to be highlighted. Many comments and suggestions from early consultations have been included in the initial draft, such as the anchoring of the multi-stakeholder principle.¹⁴ The co-facilitators therefore emphasise, not without reason, that the development process and the adoption of the compact are a completely member-driven process in cooperation with all relevant stakeholders. Nevertheless, the lofty ambitions of the Global Digital Compact cannot cover up the current geopolitical tensions. It already became apparent during the consultations that there was a dispute over the interpretation of the GDC. Among others, points of contention include the commitment to a free and open internet and the respect for human rights, especially regarding the freedom of expression on the internet.

An often-mentioned grievance of civil society and the private sector representatives relates to the fact that many of the follow-up and review mech-

anisms for the implementation of the Compact, including the Office of the Secretary-General's Envoy on Technology itself, are located in New York. This criticism is exacerbated by the fact that a large number of UN organisations and programmes relevant to digital technologies, such as the Telecommunication Union (ITU), the Trade and Development Conference (UNCTAD), the Secretariat of the Internet Governance Forum (IGF) or the Office of the UN High Commissioner for Digital Technologies. (OHCHR), are based in Geneva. Although the work of various bodies is mentioned in the draft, it calls on these established Internet Governance processes to develop ways to support the implementation of the GDC or, on some occasions, even bears the risk of duplicating existing structures instead of focusing on their complementarity. An example of such process is the recently [concluded meeting of the UN Commission on Science and Technology for Development \(CSTD\)](#), which assesses the implementation and follow-up process of the UN World Summit on the Information Society (WSIS) of 2003 and 2005.¹⁵

If, as envisaged in the current draft of the Digital Pact, a new secretariat or even a new agency for the coordination of digital and new technologies were to be established, this would not only mean the de-facto consolidation of the Office of the Secretary-General's Envoy for Technology. In times of scarce resources for the United Nations, it would inevitably raise the question of financing and the associated competition for resources with other UN organizations. As of now, this new structure would become part of the UN Secretariat in New York and have a liaison office in Geneva.

In general, it should be noted that the ambitious draft text raises questions about the need for new bodies and processes to be created (e.g. a biennial "High-Level Review of the Global Digital Compact" before the UN General Assembly, an international scientific panel on AI, a global fund for AI and new

¹⁴ It is true that more reference could be made to the mandates and roles of the various interest groups (so-called stakeholders). Nevertheless, the anchoring of the multistakeholder model is a recognition of the hard-won results of the UN World Summit on the Information Society (WSIS) of 2003 and 2005 as well as the evaluation of the WSIS process in 2014. The reform of the WSIS process (so-called WSIS+20) is due next year and will also be of great importance for the positioning of the UN in the digital space.

¹⁵ "Multi-stakeholder groups have been formed for each of the eleven lines of action of the Geneva Action Plan in order to promote their implementation. Each of these groups is led and coordinated by one or more competent international organisations. These so-called "Main Action Line Facilitators" also coordinate the work at the level of the overall action plan." <https://www.bakom.admin.ch/bakom/de/home/das-bakom/internationale-aktivitaeten/umsetzung-und-folgeprozess-des-untgipfels.html>

technologies, etc.) and their financing in the midst of a massive liquidity crisis.

In addition, resistance from within the UN system itself is to be expected, as the specialised UN organisations that have been working on digital issues for many decades are now expected to focus their work on implementing the goals of the Digital Pact. Instead of creating synergies by analysing the distribution of roles of UN organisations within the entire digital and internet ecosystem, tasks for fulfilling the Digital Pact are being redefined and interpreted. How this is to be done, however, remains open at this time. An "implementation map", which is intended to shed light on the contributions of existing mechanisms and institutions, is only planned within 12 months of the adoption of the pact. Hence, many open questions remain to be clarified until September.

This tone set by this ambitious zero-draft is an important step in the right direction. Overcoming the challenges of digital and new technologies can only be achieved through the interaction of the international community and the various stakeholders.

Human Rights

55th UN Human Rights Council: record session despite liquidity crisis

The 55th UN Human Rights Council, which was held in Geneva from February 26 to April 5, once again set a record with six full weeks of sessions, despite the UN's ongoing liquidity crisis and the already severe underfunding of the human rights pillar. Although it is one of the three pillars of the UN enshrined in the Charter, only 4.3% of the regular budget is allocated to the UN's human rights work. The June and September sessions will also be one week longer this year. Before the start of the Covid-19 pandemic, 10 weeks of sessions per year were sufficient; now it increased to 14. With 34 texts, fewer were adopted this time than in the previous year, as the delegations tried to fit several mandates into fewer resolutions. Due to the financial constraints, one unpleasant decision was

nevertheless unavoidable: certain activities mandated by the Council will no longer be able to be implemented this year. These include workshops, studies and reports, for example on the right to privacy, but also consultations, for example with Russian civil society on the human rights situation in the Russian Federation.¹⁶ Beyond this decision, thematic Special Rapporteurs are currently also required to reduce their country missions from two to one per year.

Priorities of government representatives: Gaza war as central concern

Beyond the precarious financial situation, the spring meeting was not only the first meeting after the major celebrations to mark the 75th anniversary of the Universal Declaration of Human Rights. It was also the first with a new composition¹⁷ and a new African chair Ambassador H.E. Omar Zniber was elected President of the Council. It was also the first official Council meeting after the Hamas attack on October 7, 2023, as the Council had previously refrained from convening a session meeting. An urgent debate was not held either. While the UN Office of the High Commissioner for Human Rights (OHCHR), UN High Commissioner Volker Türk himself and, above all, the Special Procedures, i.e. Special Rapporteurs, Independent Experts and Working Groups, had made clear statements on the conflict from the outset,¹⁸ the Council itself had been rather quiet so far. This made the focus of the early session on Gaza in particular, and the occupied Palestinian territories in general even more visible. During the high-level segment at the beginning of the session alone, almost half of all interventions by the 130 state and government representatives present related to this conflict, although clear geographical differences were observable. While Western and Eastern European states continued to focus on Israel's right to self-defence, African, Arab, Asian, Latin American, and Caribbean states were dominated by concerns about violations of international humanitarian law, international human rights law and international criminal law. They referred to the assessments of the International Court of Justice (ICJ), which considered it plausible that at least some of

¹⁶ A/HRC/55/L.27 with an overview of the activities can be found [here](#).

¹⁷ The current composition of the UN Human Rights Council can be found [here](#) and [here](#).

¹⁸ All publications and assessments of the conflict by the OHCHR, the UN High Commissioner Volker Türk and the special procedures can be found [here](#).

Israel's acts and omissions could fall under the scope of the Genocide Convention.¹⁹ Alongside the war in Gaza, the war in Ukraine, which marked the second anniversary of the Russian invasion in February 2022, was the second most frequently mentioned topic, especially by representatives of Western and Eastern European countries. After the death of opposition leader Alexei Navalny became known, Russia's domestic political situation was also critically examined. Special attention was also paid to women's rights and gender equality, with the situation in Afghanistan and Iran being highlighted particularly frequently.

UN High Commissioner: Vision published following 75th anniversary of the Universal Declaration of Human Rights

In view of the increasing disregard for international humanitarian law and human rights standards, particularly in the 55 active conflicts worldwide, UN High Commissioner Volker Türk posed the provocative question to the Council as to whether it is not actually naïve.²⁰ He also brought with him the results of the anniversary of the Universal Declaration of Human Rights: 770 voluntary commitments by 150 states, as well as 255 commitments by other actors and a new vision²¹, which should also inspire the UN Summit of the Future in New York in September. In his global update of the human rights situation worldwide, Türk placed a special focus on the coming months of this year's "mega election year" in addition to individual country situations. With elections in over 60 countries, affecting almost half of the world's population, the preservation of democratic principles and an open civic space is now more important than ever.

Fight against religious hatred on resubmission, report on Gaza causes controversy

A total of seven panel debates were held during the Council, including one on combating religious hatred and incitement to violence²², a topic that

was much discussed beforehand. Surprisingly, only the traditional EU resolution on freedom of religion or belief was adopted by consensus,²³ as the Organization of Islamic Cooperation (OIC) could not agree on amendments to their traditional text in time and therefore did not (yet) table their resolution. Some observers therefore expect an amended draft text for the June session (June 18 - July 12, 2024), which will mark the anniversary of last year's urgent debate on the Quran burnings in Sweden.

A total of 80 reports were discussed. The latest report by the Special Rapporteur on the Occupied Palestinian Territories, Francesca Albanese, received particular attention.²⁴ In it, she analyses the actions, patterns of violence and rhetoric of high-ranking Israeli officials and concludes that there are reasonable grounds to believe that the threshold for the commission of the crime of genocide has been reached. Fundamental rules of international humanitarian law, in particular the principles of distinction, proportionality, and precaution, have been deliberately distorted, she highlights. According to the UN, there have been over 100,000 victims so far - over 35,000 casualties (over 60% of them children and women) and over 79,000 wounded, as well as around 10,000 people who are still believed to be under the rubble. In addition, 262 humanitarian aid workers, including 193 UN employees, have lost their lives since October 7.²⁵ Numerous diplomats from the Asia-Pacific Group and the Group of Latin American and Caribbean States defended Albanese's mandate. Russia also expressed its "horror". The EU called for independent investigations into all allegations. The USA and Israel, on the other hand, did not attend the presentation of the report at all. The Israeli representation in Geneva subsequently rejected it "in the strongest terms" in a press release.²⁶

¹⁹ The ICJ's assessment can be found [here](#), further information on the ruling of January 26 is available [here](#).

²⁰ The speech can be found [here](#), the global overview of the High Commissioner [here](#).

²¹ The vision can be found [here](#), all pledges are available [here](#).

²² The debate can be followed [here](#), all interventions are available in writing [here](#) as well.

²³ Resolution [A/HRC/55/L.26](#) on freedom on religion and belief can be found [here](#).

²⁴ The report of the Special Rapporteur can be found [here](#), the presentation [here](#) and a press conference [here](#), further background information [here](#).

²⁵ As of 15.05.2024. Current numbers can be found in the Flash Updates of UN-OCHA, see [here](#). More on the latest debates on the role of the Ministry on Health in Gaza [here](#) and [here](#), the latest press briefing can be found [here](#) and [here](#).

²⁶ The press statement of the Israeli mission in Geneva can be found [here](#).

Resolutions: 14 extended and one newly established mandate

Further resolutions extended a total of 14 mandates, nine of them on specific country situations. A group of independent experts on Belarus was newly established.²⁷ The establishment of this group is a further step after the OHCHR had already investigated the situation before and after the 2020 presidential elections, referring several times to possible crimes against humanity. The extended country mandates also include the fact-finding mission on Iran, which was set up in November 2022 at the initiative of Germany and Iceland following the death of Mahsa Amini. At the beginning of the Council, Foreign Minister Baerbock once again strongly advocated for its extension. In its first report,²⁸ the mission concluded that the violent repression of peaceful protests under the slogan "Women, Life, Freedom" and the pervasive institutional discrimination against women and girls in Iran has led to serious human rights violations by the Government of Iran, many amounting to crimes against humanity. Access to Iran was consistently denied to the fact-finding mission and the special rapporteur during their investigations. Opponents of the resolution justified their negative stance, among other things, with double standards, which would become clear in relation to the handling of the situation in Gaza - accusations that were repeatedly made during the six-week session.

The Independent International Commission of Inquiry on Ukraine has also been extended, having recently found new evidence that Russian authorities have committed violations of international human rights and international humanitarian law, and corresponding war crimes, in areas that came under their control in Ukraine. Their report also documents the torture of Ukrainian prisoners of war as well as against civilians and provides new evidence of the unlawful transfer of children to ar-

reas under Russian control.²⁹ Ukraine had introduced the resolution itself. China had called for a vote, partly because the text was not calling for political solutions to the conflict. The Commission on Human Rights in South Sudan was also extended, although this was again accompanied by a counter-resolution from the African Group which does not include the investigation aspect.

The adoption of a resolution on the rights of intersex people is historically significant. It mandates the OHCHR to prepare a report on discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics, in all regions of the world, and their root causes, as well as on best practices, including legal protection and remedies. The Council also recognizes that operations on intersex children can constitute human rights violations.

A total of four resolutions on the Middle East conflict were adopted, all by a vote. One resolution on accountability stood out, which, with explicit reference to the ICJ ruling of January 26, called for an immediate ceasefire in the Gaza Strip,³⁰ among other things, and condemned starvation³¹ as a means of warfare and the blockade of humanitarian aid as war crimes. The UN High Commissioner had expressed similar views but emphasized that both sides had committed war crimes.³² The resolution calls for appropriate accountability, including by the International Criminal Court, and calls for the cessation of the sale, transfer and diversion of arms, munitions, or military equipment to Israel. This follows an appeal by numerous UN Special Procedures, the report of the Special Rapporteur on the Palestinian Territories and the UN High Commissioner himself, who referred in this text above all to the obligations under Common Article 1 of the Geneva Conventions, according to which the High Contracting Parties are obliged not only to comply with international humanitarian law themselves, but also to ensure that it is respected by others ("respect and ensure respect").³³ The

²⁷ Maps with some of the key voting patterns can be found in our [Map of the Month March](#) as well as [here](#).

²⁸ The report of the Fact-Finding Mission on Iran as well as the interactive dialogue with the Council can be found [here](#).

²⁹ Further information on the Commission of Inquiry on Ukraine can be found [here](#).

³⁰ See also [Security Council Resolution 2728](#) from March 25, 2024, which called for an immediate ceasefire during Ramadan.

³¹ Current figures on the famine in Gaza can be found [here](#).

³² The assessment of the UN High Commissioner Volker Türk can be found [here](#) and [here](#). The UN Special Rapporteur on the right to food pointed out that the whole food system was being targeted and destroyed as well, see [here](#) or [here](#).

³³ The call of the Special Procedures can be found [here](#), of the Special Rapporteur [here](#) and of the High Commissioner [here](#).

resolution therefore invites the UN General Assembly to recommend that Switzerland promptly convene a Conference of the High Contracting Parties to the Fourth Geneva Convention to discuss measures to enforce it and to ensure compliance with common Article 1. Although the resolution also calls for the immediate release of all hostages, Germany and the USA criticized the fact that it did not mention Hamas itself. Both voted against the text.³⁴

Following the adoption of the UPR report on Germany, concrete implementation is next

The outcome reports of the Universal Periodic Review (UPR) of 14 countries, including Germany, were also adopted at the spring meeting. During its review on November 9 last year, Germany received 346 recommendations from a total of 123 delegations. The German Government accepted 281 of them, i.e. 81%, for example on combating domestic violence, racism (the term "systemic racism" is rejected, however), hate crime and discrimination. 65 were only "noted", as recommendations cannot be rejected.³⁵ Now it is time for concrete implementation to improve the human rights situation in Germany, as Foreign Minister Baerbock has already announced in Geneva.

Flight and migration

Report on internal displacement: 51% increase in the last five years, mainly due to numerous conflicts

By the end of 2023, 75.9 million people in 116 countries worldwide were living in internal displacement. This is an increase of 51% over the last five years. This is the conclusion of the new report by the Internal Displacement Monitoring Center (IDMC).³⁶ Increasing conflict and violence are the main cause of the displacement of 68.3 million

people, with conflicts in Sudan (6 million, in addition to 3.1 million already internally displaced), the Democratic Republic of Congo (3.8 million) and Palestine (3.4 million, 83% of the population in less than 3 months) alone responsible for almost two-thirds of the new displacement of 20.5 million people in 2023. Natural disasters displaced around 7.7 million people last year. Nearly half of all internally displaced people currently live in sub-Saharan Africa.

Peace and security

Peace conference for Ukraine planned for mid-June in Switzerland

From June 15 to 16, the first peace talks on Ukraine are to take place on the Bürgenstock, south of Lucerne, at the request of Ukrainian President Zelensky. So far, Switzerland has only received 50 confirmations, mostly from Western countries. A total of 160 delegations were invited. Russia had accused the Alpine state of lacking neutrality in the conflict with reference to its support for EU sanctions and had already rejected participation in advance, attempting to discredit the process as such.

China has also shown little enthusiasm for participation so far. However, it will be important for the legitimacy and added value of this round that not only NATO partners meet, but also representatives from Africa, Latin America and Asia take part. In addition to working out the framework conditions for a lasting peace, a roadmap for Russia's participation in the process should also be drawn up. While the talks will initially be based primarily on Zelensky's ten-point plan, observers say they will now focus more on principles from the UN Charter, also to ensure greater support from the international community.

³⁴ The voting patterns of the Council can be found in our [Map of the Month March 2024](#).

³⁵ More information on the UPR of Germany can be found [here](#), the report of the Working Group, A/HRC/55/10 [here](#), with Addendum [here](#). The review from November 9, can be followed [here](#) and a related podcast can be found [here](#).

³⁶ The report can be found [here](#), all data can be accessed [here](#).

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