

A photograph of a public gathering or protest. The foreground is filled with hundreds of shoes of various styles and colors, scattered across a paved surface. In the background, a large crowd of people is gathered, some holding up a long white banner. The scene is set in an urban environment with trees and buildings visible. The entire image has a teal color overlay.

YEAR IN REVIEW:
CIVIL SOCIETY
AT THE
GLOBAL LEVEL

photographer: Takver

CIVIL SOCIETY WORKING AT THE GLOBAL LEVEL

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society was worked internationally to address the pressing issues of the day. This section of the year in review considers civil society's engagement at the international level, and how the international system impacts on civil society.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts, on this year's special theme, of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

2. OVERVIEW: KEY CHALLENGES IN INTERNATIONAL INSTITUTIONS

The last year has been rich in headline-making, large scale agreements struck at the international level, notably the Sustainable Development Goals (SDGs) in September 2015 and the Paris Agreement of the UN Framework Convention on Climate Change in December 2015, both discussed further below. These have been large-scale processes, in which the UN has attempted to open up engagement, and which civil society attempted to influence; civil society will work as best as it can in the coming years to ensure that the agreements made are now adhered to.

INTERNATIONAL INSTITUTIONS AND RIGHTS

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As well as being the arena where new agreements are hammered out to address problems that cannot be solved within borders, the international system should provide a space that citizens and civil society organisations (CSOs) can turn to when their governments fail to uphold and protect human rights. This is because human rights, including the three fundamental civil society rights, of the freedom of association, freedom of assembly and freedom of expression, are guaranteed in international law. However, as we concluded in the 2014 State of Civil Society Report, which had global governance as its theme, the international system is profoundly dysfunctional. Too often, civil society and citizens that look to the international system to uphold rights and improve their lives are disappointed.

In part, failures come from international institutions being inefficient, or insufficiently focused on human rights. In March 2016, the former head of the UN mission to combat Ebola in West Africa accused the institution of being excessively bureaucratic and inefficient, unable to respond quickly to emerging crises, and having little accountability over poor staff performance.¹ International institutions have also been accused of being insufficiently sensitive towards human rights, or of paying lip service to them. For example, in October 2015, the UN special rapporteur on extreme poverty and human rights criticised the World Bank for not sufficiently considering the human rights impacts of the projects it funds. The World Bank was accused of using human rights as window dressing, and not reflecting rights concerns adequately in its core programming and decision-making. It was also criticised for not taking civil society voices seriously. The special rapporteur suggested that the rise of regional development banks, including the New Development Bank launched in July 2015 by the BRICS (Brazil, Russia, India, China and South Africa) countries, could give the World Bank an opportunity to remodel itself.²

Worse still is when inefficiency and failure to prioritise human rights combine. There is increasing evidence that UN peacekeepers may themselves be involved in human rights abuses. The spate of reports about abuses carried out by peacekeepers in the **Central African Republic** led the UN Secretary-General Ban Ki-moon to describe them as a “cancer in our system.” The peacekeeping mission was dogged by shocking revelations of sexual abuse and violence, including against children, and the whistle-blower who reported the abuses was suspended, investigated and risked dismissal. In an acknowledgement of the need to challenge the

1 ‘I Love the U.N., but It Is Failing’, The New York Times, 18 March 2016, <http://nyti.ms/1UaJLOR>; ‘Ex-official accuses United Nations of ‘colossal mismanagement’’, Reuters, 18 March 2016, <http://reut.rs/1rsdmHP>.

2 ‘Extreme poverty and human rights. Note by the Secretary-General’, UN, 4 August 2015, <http://bit.ly/24cQOZ9>.

lack of transparency that normally surrounds such abuses, in December the UN published the report of an independent review on peacekeepers in the Central African Republic that found serious flaws in the response of the UN to complaints of abuse, and poor implementation of policies to deter abuse, leading to impunity that damages the credibility of the UN and its peacekeeping operations. The peacekeeping forces in the Democratic Republic of Congo and South Sudan have also been accused of being ineffective and leaving citizens exposed to abuses.³

The UN Human Rights Council (UNHRC) is the primary international space for discourse about and the defence of human rights. Yet despite its support for and engagement with civil society, it risks appearing compromised because governments of some of the world's worst human rights offenders, play a prominent role in it by securing election to positions of influence and watering down resolutions.

For example, not only does the international system fail to challenge Saudi Arabia for its human rights abuses, including in Yemen, as our section on conflict and disaster sets out, but the state also uses the international system to undermine action on human rights violations. In March 2016, Saudi Arabia, along with Burundi, China, Russia and the United Arab Emirates, attempted to undermine a resolution on the protection of defenders of economic, social and cultural rights by not voting in its favour.⁴ The body can also be used as a platform for repressive states to launch attacks on human rights. In 2015, **Thailand's** foreign minister used a speech at the UNHRC to question the concept of universal human rights, and condemn the "extreme" exercise of human rights.⁵ The credibility of the UNHRC can only be undermined by such manoeuvrings. The UNHRC can also be accused of being slow to act, passing resolutions long after it has become evident that serious human rights abuses have been committed.⁶

Most notably, the UN's peak body, the Security Council (UNSC) remains stymied by the veto power of its dominant Permanent Five (P5) member states (China, France, Russia, the UK and the USA), and because of this it has failed to protect the beleaguered citizens of Syria and Yemen from bloody conflict. When major humanitarian and human rights crises come along, the UNSC consistently fails the challenge. In September 2015, Ban Ki-moon admitted that the UNSC has failed the people of Syria, because of vetoes being exercised in national interests, just as it previously failed to act on Gaza, Darfur and Ukraine.⁷ With four of the five P5 members involved in the Syrian war, how could the UNSC be expected to act unselfishly? China and Russia vetoed four resolutions on Syria before a resolution endorsing a ceasefire was adopted in February 2016. In the interim, Russia was able to act with impunity.⁸ As our section on civic space makes clear, the international system is now failing the people of Burundi, who are mired in a human rights, political and humanitarian crisis.

3 'Taking Action on Sexual Exploitation Abuse by Peacekeepers. Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic', Marie Deschamps, Hassan B Jallow and Yasmin Sooka, 17 December 2015, <http://bit.ly/22c80ht>; 'UN accused of 'failing to protect civilians' in South Sudan', South Sudan News Agency, 15 December 2015, <http://bit.ly/1Y0loVr>; 'When will the UN be held to account for failing to protect civilians?', The Guardian, 23 March 2016, <http://bit.ly/25lXxkZ>; 'Where does the \$8bn UN peacekeeping budget go?', The Guardian, 6 April 2016, <http://bit.ly/1Sbd03P>.

4 'Human Rights Council adopts historic resolution on protection of defenders of economic, social and cultural rights', International Service for Human Rights, 24 March 2016, <http://bit.ly/1pLUy5h>.

5 'Human Rights Council, 29th Session – Conclusion of the Session. Joint civil society statement', CIVICUS, <http://bit.ly/1Wjz2Mw>.

6

7 'UN security council is failing Syria, Ban Ki-moon admits', The Guardian, 7 September 2015, <http://bit.ly/1Nd8exN>.

8 'Security Council Endorses Syria Cessation of Hostilities Accord, Unanimously Adopting Resolution 2268 (2016)', UN, 26 February 2016, <http://bit.ly/21CTn5t>; 'UN backs Syria ceasefire as conditional truce begins', Al Jazeera, 26 February 2016, <http://bit.ly/210EHev>.

STATE POWER IN INTERNATIONAL INSTITUTIONS

Most of the time, institutions of international governance, both at the global and regional levels, could be characterised as being permissive of civil society restriction, rather than actively seeking to repress civil society, although they could always do more to open up their processes of civil society engagement, as the UN has recently made some efforts to do. Institutions can be characterised as such because multilateral arenas largely remain forums for the articulation and negotiation of state interests, and the rehearsal of arguments between competing states and blocs of states. States that are intolerant of civil society at home carry their restrictive perspectives into the international arena.

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The UNSC continues to reflect the historical power landscape of 70 years ago, which it seemingly seeks to freeze in time. China, Russia and the USA have continued to exercise vetoes in their national interests in recent years, and use the threat of vetoes to prevent resolutions coming to the table. This means that it now takes considerable time and energy to bring about a resolution; the cost of achieving consensus has increased. In 2015, Russia vetoed a resolution to commemorate the 20th anniversary of the genocide in Srebrenica, Bosnia and Herzegovina, at the prompting of its Serbian allies, and a resolution to establish an international commission to investigate the shooting down of Malaysian airlines flight MH17 over east Ukraine. In 2014 it ignored clear instructions that a party involved in a dispute should abstain from voting, when it blocked a resolution on the referendum on Crimea’s annexation by Russia.⁹

Because most intergovernmental institutions are hamstrung by state interests, they are reluctant to be seen as challenging state power. For example, despite three UNSC resolutions on humanitarian operations in **Syria**, which empower the UN to enter the country and deliver aid without requiring the government’s consent, the UN on the ground has been accused of being overly respectful and reluctant to offend the regime. The use of siege tactics by the state, discussed in our section on conflict and disaster, sparked anger about the UN’s caution, which had seen references to sieges deleted from official documents.¹⁰ In January 2016, over 100 community leaders and opposition personnel signed an open letter to the UN accusing the body of being “a symbol of complicity” due to its timidity towards the regime.¹¹

This tendency for the assertion of national level interests to hobble international institutions and processes can be seen elsewhere. At the regional level, the European Union (EU) failed to get to grips with the influx into Europe of refugees in 2015, as discussed in our section on exclusion. In the most feeble recent example of the weakness of such institutions, the May 2016 summit of the Association of Southeast Asian Nations (ASEAN) was held in one-party state **Laos**, with minimal civil society involvement, simply because the host government did not want it: the government was reported to be reluctant to host a civil society meeting because of fears that CSOs would criticise governments, and activists it saw as ‘extremists’ might attend; Lao CSOs were also put under pressure not to raise controversial issues such as land rights, the impact of dams and forced disappearances, even though these are crucial civil society issues across the region. This sends the signal that the region’s civil society should not hold out hope that ASEAN will help them realise their rights.¹²

9 ‘The Veto. Research Report’, Security Council Report, 19 October 2015, <http://bit.ly/1XkqyZE>.

10 ‘Senior UN officials fear organisation is failing Syrians most in need’, The Guardian, 4 February 2016, <http://bit.ly/1TGXefv>.

11 ‘State of the World’s Emergencies’, Bond, July 2015, <http://bit.ly/1NFaj9L>; ‘Breaking the Siege: Q&A with The Syria Campaign’, Syria Deeply, 14 January 2016, <http://bit.ly/26lu5MA>; ‘Humanitarians Struggle to Deliver Aid in Syria’, Syria Deeply, 18 January 2016, <http://bit.ly/1N1JLy1>.

12 ‘Lao Civil Society Pressured to Drop Rights Issues From ASEAN Forum’, Radio Free Asia, 22 April 2015, <http://bit.ly/1HnyiF2>; ‘Laos Refuses to Host

Governments can also use their role in international institutions to gain domestic advantage. For example, the government of **Ethiopia**, which severely restricts civil society rights, uses its status as host of the African Union (AU) for leverage in its war on civil society rights: CSOs and the media that wish to engage with the AU must register with the Ethiopian government, and the tacit understanding is that they will not criticise the host government. This helps to reduce the level of campaigning or negative media coverage that Ethiopia's continuing human rights abuses would otherwise be expected to attract.¹³

At times when pressure on states increases, including in the form of economic strain, conflict and rising popular protest, states become more defensive and resistant to international exposure; if those states or their allies hold positions of influence in international institutions, they are able to inhibit the actions of international institutions precisely when these are most needed to uphold human rights and monitor abuses.

CASE STUDY: THE INTERNATIONAL CRIMINAL COURT AND AFRICA

The International Criminal Court (ICC) was featured in the 2015 State of Civil Society Report, and continues to be attacked by a large group of African states. Because the court has largely investigated human rights abuses in Africa, and particularly because it opened proceedings against Kenya's President Kenyatta and Sudan's President al-Bashir, many African states have threatened to withdraw. The introduction of the ICC, which came about after extensive civil society advocacy and with the support of most African states at the time, represented a landmark in the movement to make human rights real, because it challenged impunity, and meant that even a head of state would not be immune from international proceedings.

In 2015 South Africa, which once aspired to the role of moral leadership of the continent, signalled its intention to pull out.¹⁴ In January 2016, an AU summit, held on the theme of protecting human rights, backed a Kenyan government proposal to develop a roadmap for African states to withdraw. The AU is therefore sending mixed messages about impunity, condemning coup leaders, as our section on protest and activism indicates, but also attacking the ICC, which has a key role to play in calling coup leaders to account. In a further backward step, the AU chose as its chair for 2016 Idriss Déby, Chad's dictatorial president since 1990, who cracked down on civil society even further ahead of his flawed April 2016 re-election. He replaced Zimbabwe's Robert Mugabe, another long-established dictator, sending a dismal message about the AU's lack of willingness to challenge the ways in which long-running heads of state consolidate their grips on power, deny democratic change, and then use their roles in institutional institutions to borrow legitimacy.¹⁵

Attempts to try Presidents Kenyatta and al-Bashir both failed, in part because of the failure of African states, notably South Africa, to act in accordance with ICC processes, by applying the international arrest warrant against al-Bashir when he visited their countries.¹⁶ But it appears that the light that even truncated proceedings can shed on abuses is too much for some states. The fear

Meeting of ASEAN Civil Society Groups', Radio Free Asia, 12 October 2015, <http://bit.ly/1VP4lQu>.

13 'How Ethiopia exploits AU role to suppress international criticism', Daily Maverick, 28 January 2016, <http://bit.ly/1SXCaNr>.

14 'Lowering the flag: The ANC and the ICC', Daily Maverick, 12 October 2015, <http://bit.ly/1SCHIFz>.

15 'AU Summit preview: It would be foolish to expect any major changes', Daily Maverick, 26 January 2016, <http://bit.ly/1Slnlbt>.

16 'ICC plays hardball with South Africa on Al-Bashir', Daily Maverick, 27 October 2015 <http://bit.ly/1MQBBZt>; 'S. Africa's conduct 'disgraceful' in Bashir case, court says', Daily Maverick, 15 March 2016, <http://bit.ly/1SCHw3r>.

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must be, given the January 2016 resolution, that if a prominent state such as Kenya or South Africa pulls out of the ICC, it will spark a domino effect in which other states are encouraged to leave. The motivations of African states threatening to withdraw need to be examined; if they do so, it could hardly be said to be on the grounds of improving human rights and challenging impunity. While all institutions are flawed, attacks on the ICC make it harder for impunity to be challenged.



Photograph: Overseas Development Institute

CORPORATE INVOLVEMENT IN INTERNATIONAL INSTITUTIONS

Other challenges relate to underfunding. For example, there are more displaced people in the world than ever before, but appeals in response to emergencies by UNHCR, the UN Refugee Agency, are consistently underfunded. Because of the paucity of funding, several UN agencies are developing partnerships with corporations. This raises concern from civil society that they will open themselves up to being driven by corporate agendas. There is a growing concern, among civil society that engages at the global

level, that large, transnational corporations are gaining privileged access to intergovernmental bodies and rewriting the rules of engagement in ways that suit them, and that exclude civil society and democratic oversight.

The challenges in global humanitarian funding are set out in our section on conflict and disaster. More broadly, a Global Policy Forum report published in September 2015 concluded that there is a growing gap between the scale of global challenges and the UN's financial capacity to address them. As a result of this, non-core contributions and voluntary trust funds are playing a more important role, which means there is increasing reliance on the corporate sector, and growing outsourcing of funding and decision-making to global partnerships. This leaves the UN accused of "selective multilateralism" in which what it does and how it acts is shaped by what funding is available from the private sector, and what areas are not blocked from it by government manoeuvring, rather than where the greatest needs or potential for transformation are.¹⁷

The danger is that, when international institutions work with private sector resources, aspects of international response are effectively being privatised. This is a fear that particularly comes in relation to the SDGs, discussed further below. It is harder to exercise scrutiny over private resources, and over the influence corporations might expect to assert in the interventions they fund. It also suggests that agendas that corporations do not value will struggle to receive funding and priority. The fear this raises is that of eroding an international system based on law, in which citizens can seek to claim rights, into a charitable one that has voluntary rules authored by corporations, in which citizens are granted concessions.

POSITIVE DEVELOPMENTS AND THE NEED TO ENGAGE

The challenges with international institutions do not mean that civil society should disengage from the international sphere and dismiss it as a source of protection for civil society rights. The situation for civil society rights would, for example, only be worsened by an African withdrawal from the ICC. Our conclusion from our 2014 report still stands: that civil society should continue to engage constructively with international institutions, and to try to reform them, but must reserve the space and independence to criticise. To use the example of the ICC, there is a need for civil society in countries such as Kenya and South Africa to organise and try to influence their governments, to make clear that continued membership of the body is consistent with the aims of their foreign policy and their international obligations, and also projects a positive image of the country. In doing so, civil society may find itself in the position of arguing defensively for the retention of an institution that it knows to have flaws, but this is one of the challenges to be negotiated in engaging constructively.

The direction of travel is not one way. There is at least currently a serious debate on curbing the abuse of veto power in the UNSC. The UNHRC, for all its challenges, can play a valuable role in generating norms that civil society can apply in trying to hold their governments to account and defend their rights. In March 2016, for example, it passed a new resolution recognising the imperative to protect human rights in the context of peaceful protests. The resolution underlines the responsibilities of states in protecting the rights of protestors.¹⁸ The SDGs and the Paris Agreement offer at least some cautious grounds for civil society optimism. The process of appointing the next UN Secretary-General, while still too opaque, has become more open, and has created an opportunity to stimulate debate about what kind of UN civil society wants.

17 'Fit for whose purpose? Private funding and corporate influence in the United Nations', Global Policy Forum, September 2015, <http://bit.ly/23nYxfx>;
'Is the UN fit for the ambitious new sustainable development agenda?', Social Watch, 25 September 2015, <http://bit.ly/1WP083w>.

18 'Council calls for protection of human rights in the context of protests', International Service for Human Rights, 28 March 2014, <http://bit.ly/1BvjxK>.

Some further good news at the international level came with the passing in December 2015 of a UN General Assembly Resolution on Human Rights Defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The text of the declaration strongly condemns the killing of, violence against, and torture, criminalisation, intimidation and targeting of human rights defenders. It calls on states to ensure the rights and safety of human rights defenders, and to refrain from reprisals against human rights defenders, including for participation in international processes. It also makes clear that businesses should respect the three fundamental civil society rights, and should ensure that their business activities do not impact on these.¹⁹

Of course, there is no clear mechanism to translate these fine words into concrete action to protect civil society activists on the ground, but it provides at least another piece in the international architecture against which civil society can measure the gap between word and deed, and use as a focal point for advocacy. The next step should be to expose and embarrass those states that fall short of this commitment. The list of countries that voted against the declaration in the Third Committee (the UN committee under the General Assembly that covers social, humanitarian and human rights issues) also serves as a ready reckoner of those states that do not take civil society rights seriously: those that voted against included Burundi, China, Iran, North Korea, Pakistan, Russia, Saudi Arabia, Syria, Sudan and Zimbabwe, all egregious human rights offenders. African governments that aspire to regional leadership - Kenya, Nigeria and South Africa - should feel embarrassed about being in such company.²⁰

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3. THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING: AN UNWITTING ENABLER OF CIVIL SOCIETY RESTRICTION

One international enabler of civic space restriction, somewhat unintentionally, comes in the form of the global mechanisms to prevent money laundering and financial flows to terrorism.²¹ The Financial Action Task Force (FATF) is an intergovernmental organisation established in 1989 to fight money laundering, which had its scope broadened substantially following the 9/11 terrorist attacks to also address the financing of terrorism.

In 2015, a coalition of CSOs - the Charity Security Network, Human Security Collective, European Foundation Centre and European Centre for Not-for-Profit Law - drew attention to the ways in which the work of the FATF can be harmful for civil society. The FATF has grown in strength and credibility in recent years: its assessments are taken seriously by governments, not least because they have an effect on business perceptions of a country, and can so affect the climate for inward investment. Demonstrating

19 'Concluding Intense Session, Third Committee Approves Final Draft Resolution on Human Rights Defenders, Sending Package of 62 Texts to General Assembly', UN, 25 November 2015, <http://bit.ly/1YOr6Xs>.

20 'Vote Name: A/C.3/70/L.46/Rev.1 as orally revised', UN, 25 November 2015, <http://bit.ly/1r9QxrX>.

21 This section is based on a joint contribution from Charity Security Network, Human Security Collective, European Foundation Centre and European Centre for Not-for-Profit Law. For the full contribution see 'Implications of anti-terror and money-laundering regulations on CSO financing and what CSOs can do', CIVICUS, 2015, <http://bit.ly/1RAaYJw>.

compliance, and achieving a high score in FATF assessments, has therefore become increasingly important for states. This is of concern, because the flow of funds into civil society is one area of interest for the FATF.

The FATF may be an unwitting enabler of restriction because several governments, under the guise of FATF compliance, have introduced measures far in excess of those required by the FATF, suggesting that governments are “policy laundering”: introducing restrictive measures for reasons other than compliance.

The global civil society coalition working on this issue feels that it has made some progress in holding a dialogue with the FATF, not least in having the FATF acknowledge the unintended consequences of its work, and reflect this in its practice guidelines. But there remains a suspicion that the FATF often fails to take a nuanced approach to the civil society universe, tending instead to adopt a broad-brush perspective in which CSOs are essentially seen as vulnerable to capture by extremists and at risk of being used as fronts for the financing of terrorism.

There are also challenges with civil society’s interaction with the FATF: its processes are often secretive, and requests for civil society input tend to come at short notice and with tight deadlines. These limitations make it harder for those involved to broaden the process of civil society engagement, which civil society partners recognise as an enduring problem. Civil society knowledge of the FATF and understanding of how its work affects them at the country level is low. Many CSOs do not understand why and how they should engage with FATF processes, and do not give it priority.

There is therefore a need for more awareness raising, and to promote, in particular, country level civil society action on the FATF, as it is at the national level where the worst effects of FATF processes on the restriction of civil society are experienced.

4. THE SUSTAINABLE DEVELOPMENT GOALS: A POSITIVE, BUT POTENTIALLY COMPROMISED, STEP FORWARD?

The recent international landmark for much of civil society was undoubtedly the agreement of the 17 SDGs, in the 2030 Agenda for Sustainable Development. The SDGs are far more wide-ranging and ambitious than their predecessor, the Millennium Development Goals (MDGs).

The preparatory process for the SDGs should be seen as representing a participation milestone: the UN deserve credit for having run a much more open process than was the case with past agreements, and civil society, and citizens as a whole, should be celebrated for having seized and expanded the opportunity, participating in substantial numbers to articulate their needs and seek to shape the SDGs. In the UN’s MyWorld survey alone, which aimed to find out which development issues matter most to people, over 9.7 million people participated, 77 per cent of them under the age of 30.²² This mass involvement of citizens is not something

22 ‘MyWorld 2015 Analytics’, <http://bit.ly/1fj3pLF>.

that came about by accident. It results from a concerted push by civil society to engage in what can be seen as civil society's largest and most concerted attempt to influence the international agenda.

We asked Savio Carvalho, Senior Advisor on Campaigning on International Development and Human Rights at Amnesty International, to describe the level of civil society's engagement:



Photograph: IAEA Imagebank

Civil society, including communities, activists, coalitions - civil society in its broadest sense - has engaged and fulfilled many roles, including as a thinker, advocate, watchdog, bedfellow and friend, to name a few. If nothing else, member states knew the level of interest, engagement and organisation by CSOs, something they could not ignore or take for granted.

Given the high level of engagement, the first test of the SDGs should be whether those who participated see enough of their aspirations reflected in them, sufficient to make them want to play a part in bringing them about. The verdict from civil society, broadly, seems to be that the goals are not perfect, and indeed were never likely to be, but civil society can live with them and wants to play a proper role in realising them.

The Human Rights Caucus at the UN, which includes a range of CSOs and civil society networks, including CIVICUS, declared the SDGs a “partial success” in making human rights the foundation of the new development agenda, but highlighted failures on the redistribution of wealth, financing for development, accountability and civil society participation. The group drew attention to vagueness in the text about civil society’s right to be involved in monitoring and review of implementation, and its failure to recognise the role citizens can play in gathering and using data. The Caucus noted that little was said about the international human rights obligations of states, and the responsibility of states for actions beyond their borders, and insufficient attention was given to private sector regulation and accountability, compared to the many references to the partnership role of the private sector. Also problematic was the apparent assumption that economic growth will be the fundamental driver of social development.²³

Similarly, Savio Carvalho assesses the final agreement as follows:

The final outcome document was better than expected, or maybe our expectations were mediocre. However, there are major disappointments. For us, accountability for implementation and delivery (follow up and review) of the agenda is the weakest element. Success depends on accountability, and under the garb of text, language and words, member states have found sufficient wriggle room. There is a danger that very little will be done and the universal nature of the agenda will die a natural death.

There seem clear contradictions between the SDGs’ commitment to tackle economic inequality, a rising problem in so many countries, and its apparent privileging of the role of economic growth and reliance on private sector partnerships for delivery, which may themselves contribute to inequality by monetising access to public services. The SDGs in this respect can be seen as symptomatic of a larger shift in development and governance towards private sector partnerships as a source of financing and delivery. Many governments are committed to cutting state expenditure and, as raised above, multilateral institutions are struggling to meet growing commitments in an increasingly complex world. In this context, the private sector is seen as a source of relatively untapped development resources.

THE PRIVATE SECTOR AND THE SDGS

Accordingly, the July 2015 Financing for Development Conference, held in Addis Ababa, Ethiopia, made much of the role of the private sector.²⁴ It placed emphasis on encouraging development banks to invest in infrastructure and developing businesses, reforming tax regimes, and putting in place new partnerships with the private sector. CSOs present at the meeting expressed

²³ ‘Human Rights Caucus reaction to the 2030 Agenda for Sustainable Development’, Center for Economic and Social Rights, 23 September 2015, <http://bit.ly/1Ff5pv1>.

²⁴ ‘Countries reach historic agreement to generate financing for new sustainable development agenda’, Third International Conference on Financing for Development, July 2015, <http://bit.ly/26m3NKe>.

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concern about the lack of emphasis placed on official development assistance (ODA) as a key and continuing means of financing development, the absence of an offer to involve developing countries in tax reform, and the lack of transparency about private sector partnerships. CIVICUS noted that the meeting led to no new development resources being committed, or to commitment to reform the international financial system.²⁵

As it stands, the aspiration of the SDGs is yet to be met by an ambitious approach to financing their achievement. If the gap between mission and capacity is to be filled with private funding, it needs to be understood that this funding comes with baggage. There is the question of what private sector partnerships mean for the SDGs' social justice agenda, which should imply an engagement with and renegotiation of issues of power, in order to address inequality. Simply, how can social justice be advanced if it is left to those that benefit from current global injustice and who are deeply embedded in the status quo - large companies and the highly wealthy - to finance change? Research also suggests that there is little evidence to date that private sector partnerships have made an impact on the lives of the poor, compared to the benefits businesses derive.²⁶

As is noted in our section on civic space, large transnational corporations often have negative impacts on the environment, and on communities who live close to the natural resources that companies wish to exploit, which means they have negative impacts on human rights and the space for civil society. Large companies also seek good corporate profiles and access to political decision-makers. This means that they are unlikely to welcome scrutiny that can expose the negative sides of their business or that hinder their ability to influence leaders. This implies that the heavy involvement of business can diminish transparency and accountability, and therefore work against civil society and citizen participation. Transparency and accountability become voluntary, rather than something citizens can demand as a right. CSOs note that it becomes harder to access information when there is corporate involvement.²⁷ Heavy corporate involvement in the SDGs will raise the question of whether the development agenda is effectively being privatised, with privatisation entailing a transfer of public goods, over which citizens can exert ownership and oversight, to the private sphere.

The question of how development is financed should therefore not be seen as a technical issue, but as a profoundly political question. The origin of resources influences how development is practised. Questions such as how much tax corporations pay and how regulated they should be are political issues that the SDGs leave unaddressed, but tackling these could make the crucial difference to realising the SDGs.

To give a hint of the sheer scale of tax avoidance in which transnational corporations are complicit, in February 2015, an investigation brought to light that HSBC had facilitated tax evasion from African economies on such a large scale that the money lost was equivalent to over 30 per cent of the health budgets of Côte d'Ivoire and Senegal.²⁸ More broadly, research by the European Network on Debt and Development (Eurodad) has concluded that for every US\$1 a developing country receives, including from ODA, remittances and foreign direct investment, US\$2 flows out, including through illicit financial movements, profits to foreign investors and debt repayments, with illicit financial flows being the largest part of this. This suggests that, while

25 'The "2030 Agenda" - more privatisation, less democracy?', Konrad Adenauer Stiftung, September 2015, <http://bit.ly/1Vvx95k>; 'Addis Ababa outcome: milestone or millstone for the world's poor?', The Guardian, 16 July 2015, <http://bit.ly/1M7zKwe>.

26 'The Post-2015 Corporate Development Agenda. Expanding Corporate Power in the Name of Sustainable Development', Paul L Quintos, IBON International and Campaign for Peoples Goals, 2015, <http://bit.ly/1MQHJkB>.

27 'It's time to stop the privatisation of the development agenda', Equal Times, 5 June 2014, <http://bit.ly/1SFfzLD>.

28 'Swiss Leaks' catastrophic for African economies', EurActiv, 12 February 2015, <http://bit.ly/1MkHwd1>.

development financing methods are flawed, untrammelled private sector involvement is hardly the way to fix them.²⁹ Further, a recent report from the UN Economic Commission for Africa suggests that the amount of annual lost revenue from corporate tax avoidance is roughly the same as the total annual amount of ODA. The phenomenon of illicit financial flows is a growing one, and it most adversely affects Sub-Saharan African countries, costing them on average 5.7 per cent of gross domestic product (GDP) per year.³⁰ The leak of the Panama Papers in April 2016 by the International Consortium of Investigative Journalists also provided numerous examples of how public figures work hand in hand with offshore finance corporations to amass tax-free fortunes.³¹

In the face of such examples it seems hard to resist the conclusion that the best boost the private sector could give to development would be to pay taxes and end shady offshore practices, and that the policy intervention that is most needed is for tax evasion to be eliminated and the institutions that enable it to be penalised. And yet over the course of the development of the SDGs, text on partnership with business gained more emphasis, while other text on regulating the flow of capital, as well as on fair trade and debt relief, became diluted.³² At worst, some see the SDGs agenda as a pretext for the stimulation of economic growth, development of new markets for business and the dampening down of demands for radical change: on this reading, that the corporate sector has largely expressed satisfaction with the SDGs and sees its inputs substantially reflected in them should be a cause for alarm.³³

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It should be made clear that any private sector support for the SDGs should play a complementary role: businesses should not be expected to replace the functions and duties of states.³⁴ Private sector financing and partnerships must take place within an environment in which there are international rules that govern behaviour, rather than standards corporations voluntarily adopt. At the very least, clear criteria about how corporations are assessed to be fit for partnerships should be developed and applied.

As it currently stands, an Intergovernmental Working Group (IWG) was established in 2014 to explore the development of a legally binding international instrument on business and human rights, following a UNHRC Resolution. This came after more than 40 years of civil society advocacy, and in the face of considerable opposition by some states. In 2015 around 1,000 CSOs and activists signed a joint statement calling on the IWG to move towards developing a binding instrument, but progress remains slow.³⁵ The increasing involvement of businesses in the development agenda offers a new opportunity to push for change. If businesses are going to play a major role in achieving development, then it is reasonable to intensify the debate about holding the private sector to binding human rights standards.

29 ‘The State of Finance for Developing Countries’, 2014. An assessment of the scale of all sources of finance available to developing countries’, European Network on Debt and Development, 2014, <http://bit.ly/1AgEUQs>.

30 ‘MEP Pedro Silva Pereira: Austerity-minded countries are wary of providing more ODA’, EurActiv, 2 March 2015, <http://bit.ly/23Smzdi>.

31 ‘The Panama Papers’, The International Consortium of Investigative Journalists, 2016, <http://bit.ly/1RYO2hM>.

32 ‘Rethinking the development paradigm. Reflections from civil society in the region on Post 2015 and Financing for Development agendas’, Arab NGO Network for Development, 2015, <http://bit.ly/1SXGM65>.

33 IBON International and Campaign for Peoples Goals, op. cit.

34 ‘Financing human rights: Historic summit ups the opportunities, but also the risks’, 28 September 2015, Righting Finance, <http://bit.ly/26m4tPL>.

35 ‘History: Global movement for a binding treaty’, Treaty Alliance, 2015, <http://bit.ly/26UHIMG>.

IMPLEMENTATION AND MONITORING OF THE SDGS

Notwithstanding these challenges around resourcing, the experience of the MDGs tells us that, for civil society engaged in development actions, the SDGs will be the overarching framework for years to come. While acknowledging the flaws, civil society needs to engage with the SDGs and try to see them implemented as well as can be, and in the most inclusive way possible. The true test of the SDGs will be in the difference that they make to the lives of citizens around the world, in moving them out of poverty and changing experiences of exclusion and inequality.

The level and extent of engagement that civil society put into the SDGs offer potential for learning about civil society's work to engage with processes. Even as measures to implement the SDGs slowly unfold, there remains a need for civil society to reflect on



Photograph: CIVICUS

its practice and document lessons about what worked well and what challenges were encountered. Lessons must be taken into other large-scale advocacy attempts. But such reflection must form part of a continuum of ongoing civil society engagement with the SDGs. Savio Carvalho, however, suggests that engagement fatigue, perhaps inevitable after any large process, has set in, with some in civil society having moved on to work on other fronts, rather than trying to sustain momentum:

CSOs can take credit for keeping up the fight, but it is sad to see the level of engagement has dropped once the SDGs were adopted.

Past experience tells us that implementation cannot be done properly without civil society. One of the major flaws of the MDGs was that civil society was not given a clear role as partners in the design, implementation and monitoring of the national development plans that were crafted around the MDGs. This meant that much civil society involvement was ad hoc, at the discretion of governments, or demanded by donors and grudgingly granted as a concession. The result was that opportunities to benefit from civil society's unique contribution - its understanding of local needs and nuance, capacity to engage and mobilise communities, and ability to exert oversight over the use of resources - were lost. Opportunities to engage with the SDGs must be better, and more systematic, and civil society needs to develop the capacity to engage, and sustain engagement, including in conditions where the poor quality of civic space offers an underlying challenge. Savio Carvalho indicates that civil society engagement will not be easy:

CSOs can engage as much as they want, provided they have the capacity and resources. I guess governments will be more than happy, resources permitting, to outsource, sub-contract and even take credit for the work done by CSOs. CSOs need to get their act together at the national level. They need to organise and get into the planning, budgeting, monitoring and accountability discussion wherever possible. All this is not going to be easy, as the agenda is very complex and many government ministries will have to collaborate and coordinate work among themselves. The complexity of the agenda, lack of resources, lack of international cooperation and shrinking CSO space may be some of the obstacles in the first few years of the delivery cycle.

One area where civil society is currently struggling to engage is in the development of indicators. There seems broad agreement about the need for sound indicators and strong monitoring processes. The SDGs contain many goals and targets, and apply to all countries, rather than only the world's poorest. This raises a danger that goals and targets will stay at the level of vague aspiration unless indicators are strong, monitoring processes are extensive and there is widespread engagement and ownership in the development and application of these. There is also a danger that governments will cherry pick targets and indicators as the SDGs are translated into national development plans. Civil society should therefore have a critical role in the monitoring and accountability of implementation, including in the development of indicators and reporting processes on these.

A high level of ambition calls for a wide range of indicators, but at the time of writing the process of developing these was still under way. While there is a commitment that every target will have at least one indicator, at a recent meeting, of 221 proposed indicators, 62 were still not agreed. These included indicators relating to the structural causes of poverty, inequalities between countries, and on partnerships for implementation, which do not address challenges such as assistance to developing countries, or measures to limit transnational tax avoidance and illicit financial flows. These imply where some of the lines of disagreement are, broadly, between civil society and states and private sector interests. It raises the fear that headline goals are being softened

and even unilaterally renegotiated at the level of detail.³⁶ In February 2016, a group of over 170 CSOs and networks, including CIVICUS, wrote to the UN officials working on the indicators to draw attention to the lack of transparency and inclusion in the process of developing the indicators, noting that civil society input was not being reflected in the proposed indicators, and suggesting that the process could not be completed to a high enough standard by deadline.³⁷ There also needs to be ample space and opportunities created for civil society to have regular participation in reviews of progress.³⁸

Indicators should not be overly narrow or technical. They need to capture outcomes - real change in people's lives - and change over time, rather than simply count outputs. Savio Carvalho notes:

Planning and coordination, resource mobilisation and including the agenda in the planning cycle are key to success. Indicators at the national level need to be robust and in line with the international obligations of member states. Strong follow up and review, monitoring and accountability mechanisms, using existing reporting frameworks, need to be developed. We need to build on what we have and not reinvent the wheel. States must allocate resources for the delivery of the agenda.

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A wider range of targets and indicators means that much more data will need to be collected and analysed than for the MDGs. Government statistical departments, particularly those resource-stretched ones in global south countries, are unlikely to be able to rise to this challenge on their own. The Partnership in Statistics for Development in the 21st Century (PARIS21) initiative has reported that support to develop statistical capacity has declined, even in years when total ODA increased.³⁹ There is also a need to make sure that the data gathered is relevant to local needs, and helps to inform understandings of change and identification of further needs.⁴⁰

Here, the potential to involve citizens in data collection and analysis, through the application of new technologies, social accountability techniques and crowdsourcing approaches, seems obvious, and the only way of rising to the scale of the monitoring challenge. More data from more sources will help us know if the SDGs are leading to transformation. CIVICUS is part of the Global Partnership for Sustainable Data, a new initiative to promote open and citizen-generated data on development, and DataShift is one such initiative, seeking to improve the capacity of CSOs to produce and use citizen-generated data, and to make this available to the wider public.⁴¹

Broad-based movements are also needed to continue to exert pressure for implementation and accountability. There are potential new models of innovative partnerships that could play a role here. The UK government, for example, launched a new partnership

36 'The world agrees on a better future... just not yet on how to get there', Social Watch, 28 September 2015, <http://bit.ly/1rsn6BL>; 'SDG indicators: counting the trees, hiding the forest', Social Watch, 11 November 2015, <http://bit.ly/1VRPxDN>; 'SDG indicators and data: who collects? Who reports? Who benefits?', Social Watch, 24 November 2015, <http://bit.ly/1SCQ5eM>.

37 'Open letter to the Chair of the United Nations Statistical Commission and Co-Chairs of the Inter Agency Expert Group of the SDGs', Amnesty International, 16 February 2016, <http://bit.ly/1SFhRdB>.

38 'Civil Society Recommends SDG Indicators', Sustainable Development Policy & Practice, October 2015, <http://bit.ly/1VTO2ia>.

39 'Support to statistics fall, putting SDG monitoring at risk', Partnership in Statistics for Development in the 21st Century (PARIS21), 2015, <http://bit.ly/1SlnEmN>.

40 'The Politics of Data – the bit the geeks forget?' Oxfam, 23 October 2015, <http://bit.ly/1MdvVYP>.

41 CIVICUS DataShift website, <http://bit.ly/1N4mmuH>; 'Opinion: People-Powered Data Set to Transform Dull Statistics', Dhananjayan Sriskandarajah, Inter Press Service, 26 October 2015, <http://bit.ly/1Nqr7QE>; Global Partnership for Sustainable Development Data website, <http://bit.ly/1Jz1HY5>.

in September 2015 to build awareness and generate commitment to the SDGs, under the banner of ‘leave no one behind’, with partners including CIVICUS, Development Initiatives and Project Everyone, a new campaign to build the broadest possible public awareness of the SDGs.⁴² Public awareness is needed to encourage advocacy for implementation, and accountability over results. At the same time, however, the Project Everyone campaign has been criticised for having heavy corporate involvement, and for smoothing the political edges off some SDG commitments, by rebranding them as ‘Global Goals’.⁴³

The universalist emphasis of the SDGs should be seen as a welcome step forward in acknowledging that poverty and deprivation can be experienced even amidst conditions of aggregate prosperity and economic growth. It offers an opportunity to challenge a common donor tendency of withdrawing aid once countries pass a crude gross income level threshold, even when many people continue to live in poverty. It also underlines the need for collective responsibility in fighting poverty and inequality. But at the same time, attempts to speak of vague and aspirational ‘global goals’ must be resisted, and the political nature of the goals asserted. The goals must be about change, and doing things differently. The notion of sustainable development must be upheld and realised, in which concepts of human rights, social justice, equality and living within planetary boundaries are embedded. The goals must be focused on power, and how it is levelled, which means empowering the poorest and most marginalised, as Savio Carvalho concludes:

Reaching the most vulnerable and marginalised is a key plank of the SDGs. Focus has to be on data disaggregation to know who these groups, individuals and communities are. We need to look at inequality from both the economic and social lens. Starting from the planning stage, priority for programme delivery must be given to these special groups. We need to focus on using the SDGs to strengthen social policies and practices which will create or strengthen this approach.

Ultimately, the poorest and most excluded people should be the ones who judge how successful the SDGs are. We must never lose sight of this, and we must find ways to make sure that those people are reached, and listened to. This cannot be done without civil society, in its diversity of forms, being recognised as full partners.

5. DEVELOPMENT AID NEWLY CHALLENGED?

A further current danger to the launch of the SDGs is what threatens to become a new economic downturn, with falling global commodity prices and apparently declining levels of investment in the poorest countries.⁴⁴ This could compound some current regressive trends in ODA.

ODA, including from states that have been relatively progressive in their support of civil society in the past, such as the donor agencies of many European countries, now risks becoming less dependable. European politics have become more volatile since the economic crisis struck at the end of the last decade, and many European countries that provide ODA to civil society have

42 ‘PM calls on world leaders for more aid spending and more accountability’, UK Government, 27 September 2015, <http://bit.ly/1RaP5N7>.

43 ‘Public SDGs or private GGs?’, Social Watch, 25 September 2015, <http://bit.ly/23SphQ8>.

44 ‘United Nations: LDCs, the battleground to win or lose the SDGs’, Social Watch, 1 February 2016, <http://bit.ly/1VvLE9b>; ‘Anxious times for Africa’s oil giants as commodities boom starts to bust’, The Guardian, 13 January 2016, <http://bit.ly/1OqGLWX>.

moved politically to the right. This has prompted a closer reassertion of the role of national interests in international aid decisions, the repurposing of aid, and some cutbacks in funding.

2015 had symbolic significance because it was the target year set by the first 15 EU member states in 2005 to honour the commitment of providing 0.7 per cent of Gross National Income (GNI) to ODA. This is a commitment first made internationally in 1970 and repeatedly since, including at the 2015 Addis Ababa summit, but which only a handful of donor countries have ever achieved. In 2015, the target was missed again, and indeed there was regression: in 2005, members of the Organisation for Economic Development's (OECD) Development Assistance Committee (DAC), which brings together most long-established ODA providers, gave 0.32 per cent of their GNI as ODA, but by 2014 this had fallen to 0.29 per cent. The EU has heavily promoted the development agenda, but even its member states gave on average only 0.42 per cent of GNI in 2014.⁴⁵

France, despite its lead role in Europe and the UN, has gradually been reducing its aid budget, and it now stands below the European average of ODA providers, as a percentage of GNI. Its latest figures show ODA standing at just 0.36 per cent of GNI.⁴⁶ Our past analysis of ODA patterns also shows that France gives very little of its aid to civil society. Ireland, the Netherlands, Portugal and Spain all have falling levels of ODA, while countries that have more recently joined the EU still tend to give little ODA.⁴⁷

Further, the increased number of refugees that arrived in European countries in 2015, including from Syria, Afghanistan and Iraq, led to several prominent donor governments stating that they intend to focus aid on supporting refugees based in their countries, and on supporting states from which refugees come or through which they transit to develop stronger borders to limit the future flow of refugees. The European civil society response to refugees is discussed in our section on exclusion, but here the impact on ODA is relevant. The UK government, for example, announced in September 2015 that it would accept 20,000 refugees from Syria, but the cost of this would come from its ODA budget, in a trend that has gradually crept into British ODA.⁴⁸ The Dutch government was reported to be using almost 20 per cent of its ODA budget for refugee reception, and this came on top of a 21 per cent cut in the ODA budget from 2014 to 2015, meaning that a nation that met the 0.7 per cent target for decades now falls far short.⁴⁹ Italy's government also doubled the proportion of its ODA that it spends on refugee costs.⁵⁰ OECD DAC rules permit money spent on the care of refugees for one year to be classed as ODA, and of course refugees, many of whom have been forced to flee their homes because of conflict, terror and the denial of human rights, deserve the care of the state. But what started out as a small portion of ODA has mushroomed, more than doubling between 2007 and 2013, and some governments now suggest that three years of

45 'French development aid falls below EU average', EurActiv, 10 April 2015, <http://bit.ly/23Syh7I>; 'The 0.7% target: An in-depth look', UN Millennium Project, 2005, <http://bit.ly/1MMiIBf>; 'European Commission calls for renewed commitments to reach targets on official development assistance', European Commission, 8 April 2015, <http://bit.ly/1Go2rDD>.

46 EurActiv, 10 April 2015, op. cit.

47 'Commission laments EU development aid cuts', EurActiv, 13 July 2015, <http://bit.ly/1CA6L6c>; European Commission, 8 April 2015, op. cit.

48 'Analysis: If aid budgets are used to help refugees at home, is it still foreign aid?', University of Sussex, 11 September 2015, <http://bit.ly/1UWgyqX>; 'Migrant crisis: UK aid budget will help fund refugees response – Osborne', BBC, 6 September 2015, <http://bbc.in/1YOFqit>.

49 'How the refugee crisis is hurting foreign aid', IRIN, 18 November 2015, <http://bit.ly/1VMcoTn>; 'Dutch government plows ahead with aid cuts' Devex, 13 October 2014, <http://bit.ly/ZB1STC>.

50 'European leaders told to keep aid for poor people, not hosting refugees', The Guardian, 16 February 2016, <http://bit.ly/1TkQHxN>.

refugee support rather than one should be counted as ODA.⁵¹ Such changes can only impact on the amount and nature of funding available for civil society in global south countries.

The same challenges are being seen at the EU level. The EU launched a new fund in November 2015 that aims to reduce migration into Europe from Africa by linking development aid to the promotion of economic development, and to security. One concern here, as discussed in our section on civic space with reference to Eritrea, is that this fund will give repressive governments new tools to strengthen security against their citizens, including to prevent people leaving to escape human rights abuses. A further concern is that funding for this will come from ODA, reducing the amount of resources available for genuine development actions. The UK pledged €400 million (approximately US\$450 million) for this, over two years, but this too comes from its ODA budget. An earlier EU fund, launched in 2014 in response to the Syrian conflict, is likely to be used increasingly to support the Turkish government's handling of Syrian refugees, in an effort to stop them travelling further to Europe.

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If long-term funding that helps fight poverty, build democracy and realise human rights is cut in favour of short-term support to refugees and security, then the conditions that cause people to flee their countries or adopt extremist positions are not going to change. Border control is not development, but the two are increasingly becoming conflated.⁵²

Current changes are consistent with a trend identified in past State of Civil Society reports of ODA being more closely linked to notions of the national interest of the donor state. There was a time, around the turn of the century, when aid was more strongly seen as arising from humanitarian impulses, to be understood as separate from narrow calculations of the national interest. This understanding was marked by several donor governments giving their international development agency autonomy from their foreign affairs and trade departments. Now many of those once separate aid agencies have been reabsorbed into foreign and trade ministries, and it is politically acceptable to discuss how money intended to help the world's poorest and most vulnerable must also deliver foreign policy and trade advantages to the donor government.

The UK is the latest government to make these connections explicit. Its new development strategy, published in November 2015, is blatant about the role it expects aid to play in enhancing national security and strengthening UK trade and investment opportunities. The strategy will also entail a significant proportion of UK aid, perhaps as much as 25 per cent, being spent not by its development agency, the Department for International Development (DFID), but by other government agencies, notably the National Security Council.⁵³ The UK, along with other countries, also successfully lobbied the OECD in February 2016 to stretch the definition of what constitutes ODA, so that more forms of defence and security spending can be classed as ODA.⁵⁴ This came in spite of advocacy by a coalition of CSOs against changing the definition of ODA, and calls for the involvement of CSOs and representatives of developing countries in discussions about changes to aid.⁵⁵

51 'Why Slashing Foreign Aid in Europe to Pay for Refugees Won't Help Solve the Long-Term Crisis', The Huffington Post, 23 December 2015, <http://huff.to/1ND5qt9>; University of Sussex, op. cit.

52 'NGOs fear that development funds are getting spent on barbed wire', EurActiv, 27 October 2015, <http://bit.ly/1GuNFg3>; IRIN, 18 November 2015, op. cit.

53 'UK aid: tackling global challenges in the national interest', HM Treasury and Department for International Development, November 2015, <http://bit.ly/1e1yFl>; 'Britain has a new aid strategy. But has it got its priorities right?', The Guardian, 3 December 2015, <http://bit.ly/1NrqEad>; 'The new UK aid strategy: comments and questions', Simon Maxwell, 25 November 2015, <http://bit.ly/1liqMSV>.

54 'Concern raised over government attempts to redefine overseas aid', The Guardian, 25 January 2016, <http://bit.ly/1VkUrah>.

55 'European leaders told to keep aid for poor people, not hosting refugees', The Guardian, 16 February 2016; <http://bit.ly/1TkQHXn>; OECD redefines

The 2015 AidWatch report from CONCORD, a European CSO network, also draws attention to instances of false reporting of non-development funding as ODA. Examples include Hungary reporting ongoing refugee costs, Malta the costs of running migrant detention centres, and Spain the costs of building and maintaining walls in its two enclaves in Morocco, all of which are being counted as ODA. The report assesses that over half of Malta's reported ODA does not relate to development, along with over 30 per cent of Austria's and more than 27 per cent of Portugal's. Overall, the report suggests that ODA totals were being inflated by a staggering €7.1 billion (approximately US\$8 billion), constituting 12 per cent of all aid flows.⁵⁶

THE NORDIC BACKLASH ON AID

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The Nordic governments now seem to be retreating from long-cherished values that saw them provide a proportionately high amount of ODA, including to civil society.”
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Reverses are happening even in countries that have long taken a progressive attitude towards development, and have enjoyed international influence disproportionate to their size because of their prominent role in promoting international solidarity. In particular, the Nordic governments now seem to be retreating from long-cherished values that saw them provide a proportionately high amount of ODA, including to civil society.⁵⁷ Denmark, Norway and Sweden all exceeded the 0.7 per cent target in 2014, but the tide now seems to be turning.⁵⁸ In November 2015, the Swedish government was reported to be considering using up to 60 per cent of its 2016 ODA budget to fund refugee reception, and Norway was proposing to use 20 per cent of its ODA for the same purpose.⁵⁹ In May 2015, Finland's new centre-right government cut its ODA by 43 per cent, at a stroke removing €300 million (approximately US\$338 million) from the resources available to fight poverty and support human rights. This included cuts to current contracts, suggesting that long-standing relationships counted for little. Finland's ODA, which once stood at a commendable 0.82 per cent of GNI, collapsed to 0.6 per cent in 2014, and falling.⁶⁰

AGNA member Kepa set out what has changed in **Finland**, and what the response has been:

In 2015 Finland had parliamentary elections and the new government announced an era of austerity policies in order to cut public debt. Kepa represents CSOs interested in global development and justice, and therefore especially the drastic cuts, of 43 per cent, in Finnish ODA were a shock to us. The government has also cut education and social services, among others. In many cases, including development aid, more money and emphasis has been put on the private sector instead of CSOs.

Besides the challenge of decreasing resources, the change in the Finnish atmosphere and public discussion, into a rather hard, money-oriented and less interactive direction, has been difficult for many citizens. Another big change in Finland in 2015 was the increasing flow of immigrants and asylum seekers. This has been a challenge logistically for many CSOs, but also very difficult due to the resistance, negative debate and even extreme protests of some Finnish people.

foreign aid to include some military spending, The Guardian, 20 February 2016, <http://bit.ly/1RhMpOz>.

56 'Report: EU countries divert overseas aid to cover refugee bills', EurActiv, 24 November 2015, <http://bit.ly/1PZ67Pi>; 'AidWatch Report – Looking to the future, don't forget the past – Aid beyond 2015', CONCORD, <http://bit.ly/1jhuyL7>.

57 'Cutting aid in order to support refugees will allow extremism to thrive', The Guardian, 23 November 2015, <http://bit.ly/1IEjEAX>.

58 'Final Official Development Assistance Figures in 2014', OECD, <http://bit.ly/1UyQMv>.

59 IRIN, 18 November 2015, op. cit.; The Huffington Post, 23 December 2015, op. cit.

60 'Finland slashes development aid by 43%', EurActiv, 10 June 2015, <http://bit.ly/1VNaUIC>; EurActiv, 13 July 2015, op. cit.

However, these challenges also brought people together, to act and volunteer, and to demonstrate. There were several ad hoc demonstrations against the budgetary cuts, uniting and empowering thousands of people across the country and sectors. The ‘strike against ODA cuts’ campaign brought Kepa’s member organisations and other global solidarity CSOs together for collective action and successfully generated attention among the media and general public. Such activism hasn’t occurred in many years.

Another Nordic donor government that has cut ODA, including funding for civil society, is Denmark. When the centre-right government came to power in June 2015, it immediately set out its plan to reduce ODA from 0.87 per cent of GNI to 0.7 per cent. The finance bill, put forward in November 2015, proposed a further 26 per cent cut in support to Danish CSOs, as well as big cuts in support for sexual and reproductive health and rights programmes.⁶¹ The cuts had a serious and immediate impact on Danish CSOs that channel ODA to southern partners, and on their southern partner CSOs.

Some CSOs in global north governments that are cutting ODA have indicated privately that they are concerned, but are reluctant to speak out for fear of further worsening relations and losing access to funding in conditions of political polarisation. Fortunately, others are prepared to speak out. We asked Kirsten Auken of Danmission, a Danish faith-based CSO that supports the development projects of partners in the global south, to give her opinion on the cuts:⁶²



Photograph: Chris Alban Hansen

61 ‘National focus: Danish Family Planning Association fights to keep politicians committed to SRHR’, Countdown 2015 Europe, 16 November 2015, <http://bit.ly/1WkclMS>.

62 This is an edited extract. For the full interview see ‘Reductions in Danish development aid worry civil society organisations’, CIVICUS, 3 December 2015, <http://bit.ly/1QgukAM>.

The cuts make no sense whatsoever and they are not in Denmark's own interest. In recent months we have seen a huge influx of refugees to Denmark and other European countries. How do we expect this to stop if we cut the money which could help reduce poverty and build a future for poor and marginalised people in their countries of origin? A false and extremely harmful competition for funding appears to have been created between refugees coming to Denmark and the poorest people around the world. With the latest announced additional cut in Danish official development aid of 1.5 billion DKK (approximately US\$228 million) because of an increased influx of refugees expected in 2016, the largest receiver of Danish official development aid will become Denmark itself, receiving almost a third (29.5 per cent) of the total Danish official development aid.

Humanitarian emergency aid is much needed, but money for this effort should not be taken from the long-term development cooperation which could prevent future disasters and create hope for the future. Financial stability is important, but the bill should not be sent to the poorest people in the world! Denmark is a rich country that can afford to look beyond its own borders to play a more visionary and global role.

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We asked Kirsten to describe the impacts of the cuts on their projects on the ground:

Danmission will have to cut around 4m DKK (US\$570,000) out of a previous Danish Development Assistance (Danida) framework of 14m DKK (US\$2 million). The cuts will affect partners and activities in Cambodia, Egypt, Myanmar and Tanzania.

In Egypt, we work with the Coptic Evangelical Organisation for Social Service (CEOSS), which is an important CSO in the Egyptian civil society landscape. We support two big dialogue and development projects of CEOSS, which will experience the biggest cuts of all the projects we support globally. Seventeen out of the 81 participating community-based organisations are not able to continue being part of the project, due to the cuts. This will exclude around 21,800 poor people in Egypt from the project who would otherwise have benefitted tremendously. Out of the 17 organisations, seven work in agriculture, six on economic empowerment, two on health issues and two on education. These are all areas where the affected community-based organisations could have done important work for positive development in Egypt. This is now compromised.

The cuts mean that Danmission's partner in Tanzania, the Evangelical Lutheran Church, will not be able to continue the running of the Governance and Gender Rights Programme (GGRP). This project is innovative, as it deals with establishing public-private partnerships within Tanzania's educational sector and it facilitates cross-diocesan collaboration. Moreover, the important work that GGRP does on fighting female genital mutilation will have to stop.

We have been forced to cut our strategic reserves, and therefore our ability to support small strategic initiatives in Cambodia and Myanmar throughout the year is most likely to be affected. We normally use our strategic reserves to support different types of civil society groups to advocate for an enabling environment for civil society.

We asked what Danish civil society is doing to respond to the cuts:

The affected organisations are dealing with the impacts on an individual basis. It is difficult to reduce the negative impacts when the cuts are so large and the notice so short, so there is no way that we can avoid the effects on a lot of poor and marginalised people who count on us for support.

We will have to prioritise fundraising more in order to diversify our resources. This, unfortunately, means that we will have to downscale other parts of our work to upscale fundraising a lot more than we had planned for.

We are trying to identify other possible sources of funding for the partners or to achieve greater sustainability of the projects quickly. In Danmission, we also have the possibility of moving some of our own funding around in order to mitigate some of the negative impacts. Finally we intend as much as possible to decide the exact implementation of the cuts in close dialogue with the affected partners. However, there is no way to completely avoid the negative impacts.

Global north CSOs that channel funds to civil society in the global south not unreasonably face questions of whether it would be more efficient to give more development assistance directly to global south CSOs, and need to prove the added value of their role. While this may be a valid point, it is clearly not the motivation behind cuts when ODA providers simply decide to spend the money at home themselves. Danmission's response is to point to their ability to reach parts of civil society that their government would simply not be able to:

With the general increase in legislation restricting civic space in many countries worldwide and limitations in freedom of expression and assembly, CSOs and other citizen initiatives play a central role in protecting poor and marginalised groups. The pressure on the distribution of natural resources and the question of who should profit is an important issue in many countries. Additionally, freedom of religion is under pressure. These issues can only be sufficiently addressed by a diverse civil society, rather than only through international governmental institutions and governments.

The ODA channelled through CSOs reaches civil society in the developing countries we work with. Danish CSOs have access to a wide range of CSOs, community-based organisations, trade unions and networks who are actors that the state-to-state support system has little possibility of reaching. A vibrant and independent civil society with active citizens is a crucial part of a flourishing democracy. In Denmark we have a strong culture of organised civil society and of establishing popular organisations around virtually every topic that citizens are engaged in, and thus Danish CSOs have a lot to contribute in partnership with CSOs in developing countries.

As Danmission, we work with churches and church-based organisations as well as other religious actors. This is an extremely strong and widespread network with great legitimacy in the countries where we work. Through these partners, we can reach parts of countries where it is much more difficult for other actors to get access. Further, in countries plagued by conflicts, churches and religious actors can often play a mediation role and enter into dialogue to make sure that religion is part of the solution to the conflict rather than part of the problem. Danmission has a strong competency in this kind of dialogue and peace work.

Finally, as Danish CSOs, and as church-based organisations, we have a strong base of supporters, volunteers and members in Denmark. We see this network as a crucial part of spreading information about global development and keeping the support for and interest in foreign and development policy among citizens in Denmark.

International civil society could underline how important it is to create the right conditions in their countries so that people choose to stay and build a future in their countries of origin, instead of migrating to Europe. It would also be important to underline what it means for a small country like Denmark to be known as a ‘friendly superpower’ when it comes to development cooperation and support for civil society and human rights globally.

Recent changes demonstrate how crude the long-standing target of 0.7 per cent for ODA is. In terms of advocacy, perhaps too much focus has been given in the past to achieving the target, and not enough attention paid to the quality and political aims of ODA. If they meet the target, or demonstrate that they are moving towards it, governments can position themselves as good global citizens, regardless of where the money gets spent and to advance what agendas. It is hard to resist a creeping sense that governments see ODA as a pot to be raided according to expediency, and are willing to engage in creative accounting to make themselves appear more generous than they are. But when they spend foreign aid money at home, on border security or in pursuit of national interests, governments undermine the credibility of aid. Traditional donors may be doing so in response to the rise of new donors, notably China, for which aid has always been explicitly and closely linked to its economic interest, but a race to the bottom must be resisted.⁶³

Even on the crude measure of the 0.7 per cent target, donors are in retreat. Expanding development targets while reducing resources can only lead to failure. Abdicating responsibility to the private sector can only lead to selective development, where corporations cherry pick the aspects of the development agenda that suit them. The SDGs will remain only fine words if current negative trends are not reversed.

6. THE PARIS AGREEMENT ON CLIMATE CHANGE: A BETTER PROCESS FOR THE FUTURE?

Another commitment that must go further than fine words on paper is the Paris Agreement on Climate Change, agreed at COP21, the Conference of Parties on the UN Framework Convention on Climate Change, held in Paris in December 2015. The Paris Agreement, scheduled to begin in 2020, commits all states to reducing greenhouse gas emissions to keep global temperature rises “well below” 2°C.⁶⁴

63 ‘The European Union, Africa and New Donors. Moving Towards New Partnerships’, European Union, 2015, <http://bit.ly/24digGm>.

64 ‘Historic Paris Agreement on Climate Change’, UN Climate Change Newsroom, 12 December 2015, <http://bit.ly/1Tk2vJD>.

Shortly after the summit, we asked Wael Hmaidan of the Climate Action Network, a global network of over 950 CSOs in 115 countries, to reflect on its significance:⁶⁵



Photograph: Ilias Bartolini

The stakes underpinning the transition to 100 per cent renewable energy are huge. The governments know the science, they know that without accelerating this action they could be responsible for hundreds of millions of people falling into poverty, for millions of people losing their homes due to rising seas, and a massive increase in instability in vulnerable

⁶⁵ Wael Hmaidan's comments are drawn together and edited from two separate interviews carried out by CIVICUS. For the full interviews see 'Paris COP21 climate conference a test of commitment to the SDGs', CIVICUS, 3 December 2015, <http://bit.ly/1OzmOkj> and 'COP21 was a historic turning point for climate change', CIVICUS, 28 January 2016, <http://bit.ly/1Tpnafz>.

regions. On the other hand, the same governments know that by failing to back an orderly transition to a renewable energy future they risk losing out on massive benefits. They could miss out on securing millions of new jobs, improving public health and saving money by ditching out of date and expensive fossil fuels.

CSOs can speak to how climate action is boosting development on the ground. Our members show how getting on track to go 100 per cent renewable is increasing energy access in Uganda, boosting equality in countries like Bangladesh, building more resilient communities from the USA to Indonesia, and creating new, clean jobs the world over. But we also know that without scaling up the solutions we have in hand, climate change will strip away hard-won development gains that have been made over the last few decades, particularly in Africa, South East Asia and South America, regions that are highly vulnerable to climate impacts.

The role that climate action plays in delivering development goals is now widely recognised. In September 2015, world leaders made it pretty clear that they see tackling climate change as a necessary step in the process of ending poverty and inequality when they signed off on the SDGs. They signed off on this development agenda for the next 15 years, which has climate goals running through it like a green thread, as well as a specific target on climate action and another on shifting the world to renewable energy. We cannot deliver the SDG agenda without delivering on climate action. The Paris agreement was the first test of how serious governments are about the promise they made to leave no one behind as part of that agenda.

As for his assessment of COP21, Wael Hmaidan is optimistic about the outcomes:

As we get down to business in 2016, one thing is clear; this year will be different than any of those that came before, because this year we have a comprehensive, global climate agreement to work with. While the agreement struck in Paris will not - and was never expected to - solve climate change overnight, it is a historic turning point for our movement and indeed the planet. In Paris, leaders sent a signal that the age of fossil fuels is over, and that the renewable energy era will be embraced in its place.

The Paris agreement acknowledges that much more needs to be done to protect those who are most vulnerable to climate change. To that end, the agreement states that the existing temperature guardrail of 2°C is dangerous for many and catastrophic to some, and more should be done to bring temperature rise to within 1.5°C. This temperature goal is combined with a long-term emission reduction target of achieving zero emissions in the second half of the century. The combination of both of these goals implies the need to achieve 100 per cent renewable energy for all by 2050, which is the key ask of civil society.

The agreement will also house existing climate action commitments put forward by over 180 countries and creates a blueprint for progressively reviewing and scaling up action until emissions get to zero. Money, capacity and technology to help fund action by poorer countries will increase, though more work is needed to grow the pot in the future and help those who are most needy to access the resources that will be required.

For Climate Action Network, the extent to which elements of the agreement were binding was not a priority as, in the end, countries will do what they want to do. However, COP21 includes action for the first time from all countries. It is

CSOs can speak to how climate action is boosting development on the ground.

legally binding and covers reporting, transparency and review of action to drive stronger efforts in the fight to tackle climate change, as well as elements of compliance mechanisms to provide further assurance that countries are indeed doing what they say they are doing.

Other voices were, however, more critical, accusing the agreement of lacking ambition and of not offering a clear pathway to carbon reduction. Judged against four tests - of sparking urgent and drastic action, providing support for transformation, delivering justice for those most affected, and focusing on transformational action - the Paris Agreement could be judged as inadequate.⁶⁶

A prominent criticism is that the emissions cuts states have committed to are not legally binding; they are at the behest of individual governments. This does not speak to notions of justice or rights, as it makes it hard to assert accountability. Further, national level emissions plans do not include international emissions from air and sea traffic, which are of course a huge part of the problem. Another failing is that communities that are particularly marginalised or vulnerable to climate change were not recognised in the agreement; for example, draft text on indigenous peoples was removed from the final agreement, while HelpAge International noted that although older people have special vulnerability to extreme weather events, this was not recognised in the agreement. Further, the agreement offers no clarity on how states that emit the most greenhouse gases should compensate those that experience the worst effects of climate change, being careful to avoid any acknowledgement of liability, and is vague about what funding will be made available for transition to greener economies.⁶⁷ Some climate researchers have also suggested that the impact of the agreement will be a temperature increase of 3°C or over, far beyond the target.⁶⁸

But for all these faults, what can be said is that the world has its first ever universal climate agreement, which takes us beyond the repeat failures of previous summits. Greenpeace International, for example, expressed the view that, while there was much wrong with the deal, it had finally committed the world to move away from fossil fuel usage.⁶⁹ The main positive is that the agreement establishes a basis on which action can be taken. On this reading, what is important is the process the agreement creates, where there are regular checks planned, which means opportunities to increase pressure and expose failing governments: a stocktake in 2018, a deadline for updated climate plans in 2020, and then stocktakes in 2023 and every following five years.⁷⁰ These build in an ambition that increasingly more ambitious targets will be set, but that will call for constant advocacy.

CIVIL SOCIETY AND THE COP21 PROCESS

It is also important to examine the COP21 negotiations from the point of view of process, and ask how civil society was able to engage and influence the negotiations. One of the challenges experienced was that the state of emergency declared after the

66 'Paris deal: Epic fail on a planetary scale', New Internationalist, 12 December 2015, <http://bit.ly/1OopcpQ>.

67 'COP21: Global Climate Agreement Reached at United Nations Talks in Paris', The Huffington Post, 12 December 2015, <http://huff.to/1WQ5Emf>; 'James Hansen, father of climate change awareness, calls Paris talks 'a fraud'', The Guardian, 12 December 2015, <http://bit.ly/1I00tLX>; 'Paris climate change deal too weak to help poor, critics warn', The Guardian, 14 December 2015, <http://bit.ly/1jYB7CD>.

68 'Paris climate deal is agreed – but is it really good enough?', New Scientist, 12 December 2015, <http://bit.ly/1WQ5D1L>; 'The COP21 Climate Summit: The Ambitions and Flaws of the Paris Agreement. Outcome of Deception and Bullying', Centre for Research on Globalization, 13 December 2015, <http://bit.ly/1VwPe2O>.

69 'COP21: shows the end of fossil fuels is near, we must speed its coming', Greenpeace International, 12 December 2015, <http://bit.ly/1lyz2rD>.

70 'The good, the bad... and the OK', IRIN, 14 December 2015, <http://bit.ly/1YcvymN>.

November 2015 Paris terrorist attacks made public campaigning more difficult. Some activists who planned to organise protests were placed under house arrest on the basis of the state of emergency laws, raising a suspicion that such tactics were being applied selectively to make dissent harder. A march against climate change was banned, but thousands defied the ban by forming a human chain, and created a memorable image by laying empty shoes in the Place de la République. But when they tried to march they were met with tear gas and pepper spray from riot police, and violent clashes resulted.⁷¹

Police dragged protestors away from a corporate showcase event, and indigenous and small farmers groups complained they were being shut out of the talks, compared to the privileged access granted to companies.

By comparison, no evident restrictions were placed on the corporate sector, which was free to engage in lobbying in Paris. Police dragged protestors away from a corporate showcase event, and indigenous and small farmers groups complained they were being shut out of the talks, compared to the privileged access granted to companies.⁷² Canadian writer and social activist Naomi Klein called attention to state underfunding of the COP21 talks, creating a need for more vigorous corporate sponsorship, which led to 20 per cent of the meeting being funded from corporate sources. This entailed the granting of access to sponsors.⁷³ A clean energy fund was launched in Paris with heavy participation by billionaire philanthropists and states, raising further questions about how money buys access, without transparency about process.⁷⁴ Activists called attention to heavy corporate involvement in creative ways, for example through the Brandalism group, which protests at the corporate takeover of public space by hijacking and satirising advertising spaces.⁷⁵

Regardless of this inequality of access, there is still a sense that what was agreed in Paris was a response to real public concern and pressure that had reached the point where it could not be ignored. This pressure would not have happened without there being committed groups of people active on climate change.⁷⁶ It was perhaps significant as well that, as the talks were taking place, Beijing was suffering heavy pollution as a result of emissions. This is bringing home to China's urban public the environmental impacts of industrial expansion.⁷⁷ Faith leaders were also important in exerting moral pressure and locating climate change as a moral issue: 154 leaders of all faiths joined a call for a strong agreement, demonstrating the importance of their role in being able to reach and mobilise communities.⁷⁸

We asked Wael Hmaidan how he would assess the success of COP21 from a process point of view:

The Agreement was not the only thing we got out of Paris. Despite poor weather and concerns over safety, more people than ever before took to the streets in cities around the world to demand climate action ahead of the Paris Climate

71 'Paris climate activists put under house arrest using emergency laws', The Guardian, 27 November 2015, <http://bit.ly/1PSriEk>; 'Thousands Defy Paris State of Emergency, Protest Ban to Sound the Alarm on Global Climate Crisis', Democracy Now!, 30 November 2015, <http://bit.ly/1Ngnzgj>; 'French police fire tear gas to disperse climate protest', Al Jazeera, 30 November 2015, <http://bit.ly/1li2Fhl>.

72 'Police and activists clash at Paris climate summit protest', Climate Home, 5 December 2015, <http://bit.ly/26nq6ij>; 'Paris talks: indigenous people and small farmers say rich are setting the agenda', The Guardian, 8 December 2015, <http://bit.ly/1TD5URA>.

73 'Naomi Klein criticises protest restrictions at Paris climate talks', EurActiv, 7 December 2015, <http://bit.ly/1NKhMOg>.

74 'Paris Climate Summit: Bill Gates Launches Multibillion-Dollar Clean Energy Investment Fund', International Business Times, 30 November 2015, <http://bit.ly/1TgFIMj>.

75 Brandalism website, <http://bit.ly/1jaO3UO>; 'Anti-advertising: the hijacked bus stops of Paris – in pictures', The Guardian, 30 November 2015, <http://bit.ly/1QPX0Ck>.

76 'The Paris agreement marks an unprecedented political recognition of the risks of climate change', The Economist, 12 December 2015, <http://econ.st/1SVchzE>.

77 'The Paris Climate Agreement – a first look', Daily Maverick, 14 December 2015, <http://bit.ly/1XR4oO8>.

78 'Religious leaders step up pressure for action on climate change', The Guardian, 4 December 2015, <http://bit.ly/1SBUoVU>.

Summit. After years of work by tireless activists, a broad and diverse range of people, from doctors and businesspeople to farmers, parents and unionists, helped politics catch up with the real world. Those marches are testament to the spirit of our movement, which will continue to grow in the coming years.

In Paris, more heads of state than ever before came together on one issue, and demonstrated that multilateralism can work. Paris was the first test for the 2030 Agenda, and its success builds on what was achieved in New York in September 2015. It also demonstrated that we are now truly in a universal world, as the leaders in Paris who fought for the strongest deal were not from the rich world but from emerging economies and vulnerable countries, a sign that the political ground has shifted.

Meanwhile, climate action in the real world continues to speed up. In the weeks since the Paris agreement was struck, we've seen coal stocks plunge, and some companies even go bankrupt, while investment in renewable energy is booming. A new report from Bloomberg, New Energy Finance, found over US\$330 billion was invested in solar and wind in 2015, the largest amount ever.



Photograph: Wikipedia

Leadership from the global south is continuing. Morocco, which is the host of the 2016 Climate Summit, is about to switch on the world's largest concentrated solar plant, which can provide clean power to 20 million people. It is producing wind energy as well, at a record cost of 3 cents/kwh, making it the cheapest source of energy.

An agreement is only a start. It means nothing without action, and adequate resources. Donors, including the emerging donors of the global south, need to be pressured to contribute funding to help poorer countries adapt. Action is likelier when there is civil society pressure and scrutiny. The regular monitoring built into the agreement gives civil society the opportunity to continue to exert pressure, even though it will need to battle unequal access, but pressure also now needs to come at the national level to ensure that the Paris Agreement is domesticated and implemented. Wael Hmaidan sets out what steps now need to be taken:

Despite these impressive developments, we're still a long way from where we need to be. 2015 was the hottest on record and extreme weather impacts continue to hit home, from unprecedented flooding in the UK, to forest fires in Australia, and in Africa, where staple crops have been devastated leading to food shortages. As we stand in solidarity with the people most vulnerable to climate change, the movement of CSOs will grow in strength and diversity. We will not rest.

In 2016, we will hold governments and corporations accountable as we work to make the spirit of the agreement part of the fibre of our countries. All eyes are now on states to use the commitments enshrined in the Paris Agreement urgently to speed up the ongoing energy transition at a national level, and come back to the table to scale up commitments to be credible with a 1.5°C pathway. That means:

- All governments need a credible plan to end their dependency on fossil fuels and to decarbonise their economies in favour of 100 per cent renewable energy. We will remind governments that any decision made from now on, from mining licenses to pipelines and choosing energy sources and building infrastructure, must all be in line with their pledges enshrined in the Paris Agreement.
- We need to act to keep fossil fuels in the ground. In May 2016, people will take action at key sites around the world to show the fossil fuel industry that their vision of the future is irrelevant, dangerous and unwanted.⁷⁹
- To further accelerate climate action and empower countries to embrace sustainable development, we must shift trillions of dollars spent by governments, international banks and institutions from propping up the fossil fuel industry to renewable energy solutions. It's already where the smart money is going. Policy settings agreed in international fora such as G20 can drive investment shifts even faster.
- Richer governments must now ramp up support to poorer countries that are adapting to the climate impacts that cannot be avoided and find concrete solutions for the most vulnerable communities. Responding to climate change is not just about reducing emissions, it is about ensuring the vulnerable are protected, and that we are creating a more fair and just world.

With continued hard work, we can, and we must, do more.

“
An agreement
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resources.
”

Both the SDGs and the Paris Agreement are not perfect, but they matter, because together they can be seen to be establishing a new development architecture that will dominate the landscape for years to come. If the key success of the Paris Agreement is its commitment to future process, then the way forward for civil society seems clear: there is a need for continuous engagement to make the process move as quickly as possible, and mobilisation to continue to bring public pressure to bear.

7. CIVIL SOCIETY AND THE EU

The EU has found itself in the thick of international political debate in the last year. With 2015 being designated as the European Year of Development, civil society started the year by trying to tell the positive side of the development story, and challenge common public attitudes about development and the global south.⁸⁰ But these messages were lost when a surge of refugees reached mainland Europe in 2015. As our section on exclusion discusses, this was not met with a convincing pan-European response. Rather, the institution found itself fragmenting, its actions were criticised as breaching human rights, and borders that had long been open became closed.

At the same time, right-wing anti-European sentiment has soared in several European countries, and shows no signs of abating: anti-European parties have gained support in many countries, and in June 2016 the UK holds a referendum on whether to leave the EU. The EU also finds its values challenged by some of its newer members, including **Hungary** and **Poland**, as discussed in our section on civic space. Hungary's President Orbán has continued to ignore EU concerns on human rights, the rule of law and democracy, and threatens further changes that would go against the EU's treaties. EU sanctions have not been applied. Mooted EU sanctions against the regressive behaviour of Poland's government towards the rule of law have also not resulted; Hungary's government has nailed its colours to the mast by committing to veto any sanctions against Poland.⁸¹

These challenges matter to civil society partly because the EU is the largest and most advanced regional integration project in the world, and so acts as a testing bed of internationalism. The EU's commitments to human rights values, even though it does not always live up to them, are stronger than those of other regional institutions. It also matters because the EU is an active promoter of international cooperation between Europe and the global south, and a source of financial support and human rights protection for civil society. Now the values on which it is founded are being challenged, and states are defying the high human rights standards they committed to as a condition of entry. If the EU fails, the prospects for improving progressive international governance are reduced.

The European Civic Forum (ECF) is a transnational network working at EU level to enable civic participation and civil dialogue. We asked it about the most significant challenges it has encountered recently with European institutions, relating particularly to its focus area of citizenship:

80 'Seamus Jefferson: EU leaders divert aid money at our peril', EurActiv, 9 December 2015, <http://bit.ly/1NjY7Ey>.

81 'Commission registers call for EU sanctions on Hungary', EU Observer, 30 November 2015, <http://bit.ly/1YEPrid>; 'Hungary PM flags veto of any EU sanctions against Poland', Reuters, 8 January 2016, <http://reut.rs/1MWM0M0>.

Challenges include a lack of political willingness by top level officials in the European Commission and a lack of concrete opportunities offered by the EU's department of Migration, Home Affairs and Citizenship to engage in civil dialogue on citizenship issues, including citizens' participation, disaffection and expectations vis-a-vis the European project.

Generally speaking, while notions such as the democratic deficit and citizens' participation have gained a permanent place in institutional discourse and communication, especially since the entry into force of the Lisbon Treaty in 2009, not much has been done in practice to give CSOs a real voice in policy-making and the making of important political decisions for the future of Europe. The potential of Article 11 of the Lisbon Treaty, which poses participatory democracy as a principle of EU governance, is still to be understood and implemented fully by EU institutions to build a really open, regular and transparent dialogue with civil society.

On the side of civil society, we also witness a certain fragmentation of networks of CSOs, according to their specific areas of work, and a lack of sustainable cross-cutting cooperation.

We also asked about the achievements of civil society in the EU context:

Civil Society Europe was created in December 2014, building on the success and legacy of the European Year of Citizens Alliance (EYCA).⁸² The EYCA experience showed that CSOs are powerful catalysts of citizens' aspirations for change. Over 30 major European networks joined forces to create Civil Society Europe, a permanent space for horizontal exchanges and a strong voice to promote the values of equality, solidarity, democracy and inclusiveness among EU member states and its people.

Civil Society Europe aims to be influential in building a real civil dialogue at the EU level, in shaping the agenda on issues of common interest for civil society across Europe. Civil Society Europe is determined to gain a permanent seat at the table of civil dialogue, to make sure the voice of civic associations and movements is heard, alongside the voice of social partners and corporate interests.

The Civil Society Alliance for the European Year of Development also aimed to use the European Year 2015 for Development as an opportunity to foster critical discussion on and engagement for global justice among EU citizens, involving different stakeholders beyond the usual development sector. It sought to engage groups of citizens and political actors in critical discussions and public engagement at national and community level through CSOs, and organised pan-European activities in dialogue and consultation with EU institutions, aiming for a proper space and visibility of CSOs as key actors.

Finally, we asked whether civil society relations with the EU had improved or worsened during the last year. The answer is not promising:

As far as ECF and our field of activity is concerned, we could say the relations became worse, in that during the European Year(s) of Citizens (2013-2014), the citizenship issue was on the EU agenda and EU institutions showed some interest in

82 Civil Society Europe website, <http://bit.ly/1rtFJoZ>.

discussing with CSOs. The ECF was granted an EU subsidy to run the ECYA civil society alliance. Unfortunately, no concrete follow-up was given to EYCA policy recommendations in 2015, despite previous commitment by Commission officials.⁸³

We saw no clear sign of cooperation on the side of the European Commission, but positive relations with MEPs and the European Parliament Vice-President in charge of citizenship, Sylvie Guillaume, who strongly supports Civil Society Europe.

At the EU level, civil society's fundamental freedoms are guaranteed and ensured, but a lot of progress is still to be done in terms of making citizens' voices really heard in EU institutional arenas. We deplore, though, the lack of strong reaction from European institutions towards regular breaches by some member states of these fundamental freedoms and the rule of law, and reticence to use treaty sanctions against abuses.



A particular area of concern with both trade deals is that they confer new privileges on corporations to take states to court, through investor-state dispute settlement mechanisms (ISDS).



The EU has also fallen short when it comes to hearing civil society voices on the trade treaty currently under negotiation between the EU and the USA, discussed in the following section. CSOs need to pressure the EU to become more open and accountable, and the EU needs to demonstrate that it is capable of acting as a source of global inspiration and best practice in promoting civil society inclusion and human rights.

8. A TALE OF TWO TRADE TREATIES

A further international agreement reached during the period covered by this report was the Trans-Pacific Partnership (TPP). The text of the TPP was agreed in October 2015, and signed in February 2016 by 12 Pacific Rim states: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the USA and Vietnam. But unlike other international agreements, this is one in which civil society has had little say, and about which civil society finds little to celebrate.

The TPP is one of two treaties that currently aim to reshape the economic relations between the USA and vast swathes of the globe, alongside the Transatlantic Trade and Investment Partnership (TTIP), which was featured in the 2015 State of Civil Society Report, and remains under negotiation between the EU and USA. Both are trade liberalisation deals that seek to reduce trade barriers and harmonise trade regimes between signatory countries.

Areas of concern that civil society has expressed about the TPP include: the relaxation of safety standards over what food may be imported; the extension of intellectual property laws on health, which could increase the price of medicines and make access to them harder in global south countries; the impact on internet freedom and the ability to determine national privacy standards; the potential reduction of financial regulation; the effects on jobs and economic inequality; the extension of copyright laws; and the impact on the ability of states to support and protect their cultural industries.⁸⁴ Even the economic impact of the TPP is disputed, with some studies suggesting that some countries would lose as a result of joining the TPP, and others would experience negligible benefits.⁸⁵ The TTIP, meanwhile, has been criticised for its potential to erode European environmental, safety and

83 'It's about Us, it's about Europe! Towards Democratic European Citizenship', European Year of Citizens Alliance, <http://bit.ly/1SmsH6e>.

84 'Critics cry foul as new Trans-Pacific Partnership details emerge', CBC News, 6 November 2015, <http://bit.ly/1kjkFhd>; 'The Trouble with the TPP', Michael Geist, 2016, <http://bit.ly/1ULMMI7>.

85 'Trading Down: Unemployment, Inequality and Other Risks of the Trans-Pacific Partnership Agreement', Jeronim Capaldo, Alex Izurieta and Jomo

human rights standards, and to open new areas of social services, particularly health services, to privatisation by transnational corporations.

A particular area of concern with both trade deals is that they confer new privileges on corporations to take states to court, through investor-state dispute settlement mechanisms (ISDS). In the TPP, existing ISDS provisions would be extended, giving an estimated 9,000 additional corporations scope to take court action against the US government alone.⁸⁶ The proposed ISDS has offered a particular flashpoint for concern about the TTIP. Both trade deals have therefore been criticised for positioning democratically elected governments as subservient to transnational corporations. Both can be seen as entailing a transfer of rights from citizens to corporations, by granting corporations rights while eroding human rights.



Photograph: Greensefa

Kwame Sundaram, Global Development And Environment Institute at Tufts University, Working Paper 16-01, January 2016, <http://bit.ly/1OgvASP>.

86 "A Corporate Trojan Horse": Critics Decry Secretive TPP Trade Deal as a Threat to Democracy', Democracy Now!, 16 April 2015, <http://bit.ly/1b71Vgn>.

The process by which the TPP was agreed was almost entirely opaque. Key parts of the text were kept secret, and most of what civil society learned about the evolving text during negotiations came through leaks. The text of the agreement was not made public until November 2015. This made it difficult to critique accurately and engage with the agreement. The lack of civil society and citizen oversight was contrasted with the access of corporate lobbyists to the negotiations. In the USA, heavy corporate donations, to encourage support for the TPP, could also be observed towards members of Congress running for re-election in 2016.⁸⁷

In February 2016, the UN's independent expert on the promotion of a democratic and equitable international order, Alfred de Zayas, condemned the TPP and urged states not to sign it. He denounced the secrecy of the negotiations, and characterised the TPP and other such treaties as inconsistent with existing international human rights obligations. He noted that the public in TPP signatory countries would likely reject the agreement in a referendum, if given the chance.⁸⁸

The TTIP has a similar problem with transparency. Corporations but not the public are able to see the text under negotiation. Such has been the level of secrecy that by August 2015, WikiLeaks was offering an €100,000 reward (approximately US\$113,000) to expose the text of the TTIP. Greenpeace Netherlands was able to leak some key negotiation documents in May 2016, which revealed significant disagreements between the EU and USA, and wide levels of corporate access to negotiations.⁸⁹ Corporations were certainly granted much more access than civil society: 88 per cent of the meetings the European Commission trade department held in the first two years of the development of the TTIP were with business lobbyists, with agribusiness and food corporations being granted the greatest access.⁹⁰

The TPP has been signed, but the civil society fight against it is not over. In the US, international treaties need to be passed by Congress, and if the US fails to ratify the treaty it will have little future. For this reason, US civil society groups are trying to domesticate the issue, by raising awareness of the potential impact of the TPP on American citizens.⁹¹ One of the challenges created by the climate of secrecy that surrounded the negotiations is that it has been hard to mobilise the public, which in general knows little about the agreement.

However, the campaign against the TTIP, being waged in both Europe and the US, shows that breakthroughs in public awareness can be made. The TTIP continues to be met with stiff opposition from a broad section of civil society. Trade unions across Europe

87 'I've Read Obama's Trade Deal. Elizabeth Warren is Right to be Concerned', Politico Magazine, 19 May 2015, <http://politi.co/1VNFRB3>; 'Here's how much corporations paid US senators to fast-track the TPP bill', The Guardian, 27 May 2015, <http://bit.ly/1HwOP4p>; 'Trans-Pacific Partnership text has been released', CBC News, 5 November 2015, <http://bit.ly/1QwuO1K>; 'Trade Officials Sign the TPP But It's Still Up to Lawmakers to Reject It', Electronic Frontier Foundation, 2 February 2016, <http://bit.ly/23LgFlt>.

88 'UN expert urges Pacific Rim countries not to sign the TPP without committing to human rights and development', Office of the UN High Commissioner for Human Rights, 2 February 2016, <http://bit.ly/1nKpli3>.

89 'TTIP Leaks', Greenpeace Netherlands, May 2016, <http://bit.ly/26LgNsT>.

90 'TTIP: a corporate lobbying paradise', Corporate Europe Observatory, 14 July 2015, <http://bit.ly/1Hsze6H>; 'WikiLeaks goes after hyper-secret Euro-American trade pact', WikiLeaks, 11 August 2015, <http://bit.ly/1IGNRUg>; 'What is TTIP? And six reasons why the answer should scare you', The Independent, 6 October 2015, <http://ind.pn/1vKDnyU>; 'TTIP talks: EU alleged to have given ExxonMobil access to confidential strategies', EurActiv, 26 November 2015, <http://bit.ly/1qKO2vA>; 'What I didn't read in the TTIP reading room', War on Want, 7 February 2016, <http://bit.ly/1Pnm8O1>.

91 'The TPP State of Play: How We Defeat the Largest Trade Deal in History', Electronic Frontier Foundation, 1 December 2015, <http://bit.ly/1SYUu8K>; 'Tell Congress to Vote No on the TPP', Electronic Frontier Foundation, <http://bit.ly/1X4raIC>.

have united against the TTIP, along with environmental and campaigning groups and a large number of academics.⁹² Between October 2014 and October 2015, a self-organised citizens' initiative gathered over three million signatures against the TTIP, and against the similar Comprehensive Economic and Trade Agreement (CETA), which has been negotiated between the EU and Canada but not yet ratified. The initiative also gained the support of 515 organisations.⁹³ A global day of action saw thousands mobilise against the TTIP in Europe and the USA in April 2015, preceded by a rally when negotiations were held in Belgium in February 2015.⁹⁴ In October 2015, Berlin saw its largest demonstration in years, as at least 150,000 people, perhaps 250,000, rallied against the TTIP as part of an international week of action.⁹⁵ As a result of all this activity, public awareness of the TTIP, and debate about it, has grown.⁹⁶

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processes.”

There are signs that public anger is influencing the official processes, with the TTIP offering a test case for the extent to which European institutions are prepared to listen to citizens. European officials and those close to them were initially arrogant in dismissing the largest ever response to a European consultation, in which around 150,000 gave their views on the proposed ISDS, overwhelmingly opposing it.⁹⁷ But in the European Parliament in April 2015, six different parliamentary committees considering the TTIP rejected the ISDS, and it was rejected again in a European Parliamentary vote in July 2015, albeit in a vote that was otherwise supportive of TTIP.⁹⁸ The existence of the ISDS or some alternative form of dispute arbitration has gone on to become a major sticking point in EU-US negotiations.⁹⁹

Mainstream politicians have also begun to express concern about the TTIP: in October 2015 the President of the German Bundestag criticised the lack of transparency over TTIP and threatened to vote against it, while the French President, François Hollande, threatened to block the deal in May 2016.¹⁰⁰ Similarly, in the USA, following vigorous trade union and environmental group campaigns against the TPP, the two Democratic candidates for the Presidential nomination came out against it.¹⁰¹

Trade deals do not generally attract much public attention, but the movement against the TTIP, in particular, has succeeded in making what might once have seemed an obscure agreement a matter of urgent public concern. Similarly joined-up coalitions are needed in the USA to reject the TPP, but any movement needs to be two-facing: while it is essential to articulate the problems with the TPP in domestic terms to mobilise American citizens, international connections currently seem under-explored by comparison.

92 'TPP investor rights: the many voices ignored by the TPP Commission', Corporate Europe Observatory, 3 February 2015, <http://bit.ly/1F1wLQE>.

93 'ECI is closed – signature gathering continues', Stop TTIP, 7 October 2015, <http://bit.ly/1SEed0E>; 'Anti-TTIP petition signed by 3 million people', EurActiv, 9 November 2015, <http://bit.ly/1VqOcCc>.

94 'Brussels Rally Denounces Massive Trade Deal That Would Be 'Hijack of Democracy'', Common Dreams, 4 February 2015, <http://bit.ly/1yLPVWb>; 'Global day of action... and inspiration!', Stop TTIP, 27 April 2015, <http://bit.ly/1cnd4t6>.

95 'German government hits back after TTIP demo', EurActiv, 14 October 2015, <http://bit.ly/1QsmjXK>; Trade 4 People website, <http://bit.ly/1WOWyWc>.

96 'Europe's trade fears: chlorine chicken, secret courts', Politico, 16 July 2015, <http://politi.co/1VNi1Aw>.

97 Corporate Europe Observatory, 3 February 2015, op. cit.

98 'Parliament's opposition to TTIP arbitration on the rise', EurActiv, 21 April 2015, <http://bit.ly/1HPw28h>; 'European Parliament backs TTIP, rejects ISDS', EurActiv, 9 July 2015, <http://bit.ly/1T8m3go>.

99 'Parliament vote makes arbitrators roll their eyes over ISDS', EurActiv, 17 July 2015, <http://bit.ly/1Stpte1>.

100 'Germany calls for more TTIP transparency', EurActiv, 28 October 2015, <http://bit.ly/1MsVYLF>; 'Doubts rise over TTIP as France threatens to block EU-US deal', The Guardian, 3 May 2016, <http://bit.ly/1W8BGv5>.

101 'AFL-CIO campaigns against Trans-Pacific Partnership', Shadowproof, 4 September 2013, <http://bit.ly/1WQ5ZFw>; 'Full Text of TPP Trade Deal Revealed – and Critics Say It's Even Worse Than They Thought', Democracy Now!, 6 November 2015, <http://bit.ly/1QjodyW>; 'US farm lobby group campaigning against the Trans Pacific Partnership', ABC News, 12 November 2015, <http://ab.co/1PxRlJP>; 'US Unions Slam TPP Deal', Campaign for Trade Union Freedom, 6 December 2015, <http://bit.ly/1SmxhBt>.

The domestic publics of other TPP signatory states could also have a role to play, and could benefit from international connection and solidarity.

9. THE UN AT 70: HOW CAN IT BE MADE FIT FOR PURPOSE?

Finally, from new deals, there is a need to consider the future of an aged institution. The UN turned 70 in 2015, giving fresh impetus to the debate about the prospects of institutional reform.

The UN remains an institution of states in a world where many of the major problems, such as insecurity, natural disasters and climate change, are beyond the scope of any one government to address, and where there are multiple forms of globalisation in play, including the increased movement of people, growing transnational economic activity and easy cross-border communication. The UN, and other global institutions, need to change to reflect this reality, a very different one to the aftermath of the Second World War, but it is not good at doing so. In part this is because of bureaucratic inertia, but also because there are powerful states and private interests that are served by a fragmented and weak UN.

But this does not mean that the prospect of change should be written off. There are proposals on the table. For example, the Commission on Global Security, Justice and Governance, established by the Hague Institute for Global Justice and the Stimson Center, made a number of recommendations for UN reform in June 2015. These included expanding membership of and engagement with the UNSC, establishing a new UN Peacebuilding Council and creating a UN Global Partnership, where civil society as well as the private sector can influence policy debate.¹⁰²

It is never easy, but change at the international level can and does come. International norms can be developed, propagated and gradually become adhered to, and institutions can be changed over time through the development of norms. No international treaty is perfect, and nor is any institution that results from them, but civil society has shown in the past that by organising, developing expertise, sustaining advocacy and working with supportive governments, it can add building blocks to a progressive global architecture: the ICC, the Arms Trade Treaty and the Mine Ban Treaty are landmarks that would not have come about without civil society engagement. Civil society needs to engage to uphold the values that led to international institutions being founded, defend such institutions against regressive forces, but also work to critique and change them.

SECURITY COUNCIL AND UNHRC REFORM

The challenges with the UNSC were discussed earlier, but that should not lead to counsels of despair. Three different initiatives have been put forward to promote veto restraint, and have been given new momentum by the Syria debacle: one led by the

¹⁰² 'Confronting the Crisis of Global Governance. Report of the Commission on Global Security, Justice and Governance', The Hague Institute for Global Justice and the Stimson Center, June 2015, <http://bit.ly/1Z4TzZH>; 'At 70, the United Nations needs to move with the times', The Guardian, 24 October 2015, <http://bit.ly/1OR4fco>.

French government, one put forward by The Elders (an independent group of global leaders who work for peace and human rights), and one, the ACT (accountability, coherence and transparency) initiative, backed by a range of states.¹⁰³ If successful, these could make it a custom and then a norm that UNSC P5 members voluntarily curb their veto powers, such that not to do so would bring wide condemnation. At the time of writing, reform still seems a long way off: China and Russia have simply refused to engage in these debates, and there seems little sign of any shift in the USA's position as well.¹⁰⁴ Nor would veto restraint alone fix all the problems of the UNSC, such as the unequal representation of states within it, the two-tier system that privileges permanent over temporary members, the effective veto the UNSC has over the appointment of the UN Secretary-General, and crucially, the lack of civil society access. But veto reform would be a start, and could be advanced by civil society working with reform-minded states that become temporary members of the UNSC, and the movement of pro-reform states into temporary UNSC membership, to push the issue forward. The role this suggests for civil society is to work with those governments to encourage them to be bold and assertive about reform.

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Turning to the UNHRC, its Universal Periodic Review (UPR) mechanism, in which UNHRC member states examine each others' human rights records, with input from other stakeholders including civil society, has become more prominent as civic space has been put under new pressure in many contexts. When civil society is struggling with restriction at the national level, the UPR offers a space for its concerns to be articulated internationally, and the recommendations made by the process can help to focus civil society advocacy at the national level. But research published by CIVICUS in 2015 suggests that the UPR process is increasingly being challenged.¹⁰⁵ Civil society respondents from a number of different countries reported that their governments are frustrating civil society engagement in UPR processes, and this can include harassment on return after participating in UNHRC meetings. For example, in July 2015, the weekly TV programme of the ruling party in **Venezuela** attacked civil society activists who had participated in a UNHRC meeting the month before.¹⁰⁶ Meanwhile some CSOs struggle to understand and access UPR processes, and lack the resources to improve this. Further, while UPR processes produce many recommendations, there are no clear mechanisms to ensure that recommendations are carried out, and no role mandated for civil society to play in ensuring that recommendations are implemented.

In response, the UNHRC should be encouraged to institutionalise civil society-led consultations on UPR processes and ensure that they reach a wide range of civil society, develop accountability mechanisms to scrutinise action on its recommendations, and apply sanctions to states that penalise civil society for taking part in UPR processes.

Civil society must continue to engage with the UNHRC, but it should continue to demand more of it, and make sure that the engagement footprint spreads to include a wider diversity of civil society. Civil society has made a number of recent constructive suggestions for improving the UNHRC. In October 2015, a range of CSOs and civil society networks, including CIVICUS, wrote to all states that were candidates for UNHRC membership to remind them of their obligations to cooperate fully with the UNHRC and uphold its highest standards. The letter called for all UNHRC candidates to be assessed against clear criteria ahead of elections, which should include cooperation with its Special Procedures, refraining from harassing CSOs and activists that engage with the

103 'A UN fit for purpose', The Elders, <http://bit.ly/1DpMpX4>.

104 'The United States Has Hamstrung the U.N.'s Most Important Mission', Foreign Policy, 23 October 2015, <http://atfp.co/1SHbzdu>; Security Council Report, op. cit.

105 'Enhancing the effectiveness of the UN Universal Periodic Review: a civil society perspective', CIVICUS, 10 September 2015, <http://bit.ly/1YPBRsy>.

106 'High Time To Pull The Plug On Televised Reprisals Against Rights Defenders in Venezuela', United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, 22 July 2015, <http://bit.ly/1SYvtS>.

UNHRC, and respect for civil society's role in participating in UNHRC processes.¹⁰⁷ And in April 2016, on the 10th anniversary of the founding of the UNHRC, a collective of international, regional and national CSOs, including CIVICUS, published proposals for the evolution of the UNHRC. The proposals, among other recommendations, called for states to adhere to clear criteria, and consult civil society, in deciding how to cast their votes to elect UNHRC members; for candidate states to pledge to uphold high human rights standards; for measures to be strengthened towards states that persistently refuse to cooperate; for greater financial resourcing, particularly to support implementation of UNHRC resolutions and recommendations, and for enhanced monitoring of these; and to increase the opportunities for civil society participation, and the diversity of that participation.¹⁰⁸

A clear basis for reform, and criteria for assessing the seriousness of member states' intentions, has thus been established. Looking forward, it will be important to monitor progress on these, and advocate further.

THE NEXT SECRETARY-GENERAL

At a key moment in its history, 2016 sees the appointment of a new UN Secretary-General. The role could be characterised as an office with prestige but little power, but still the identity and background of the Secretary-General could be critical when it comes to influencing the debate about the direction of the institution and nudging towards reform. A Secretary-General with a strong understanding of civil society and a commitment to involving it would make a huge difference to civil society engagement, potentially opening the door for further reform.

Hitherto the appointment process has been entirely lacking in transparency, but recent developments have shown more promise. In April 2016, for example, the first ever public hearings with candidates for the role were held in New York, one with diplomats, and one involving some candidates dialoguing with members of the public and CSO representatives. More such dialogues are planned.¹⁰⁹ We asked Natalie Samarasinghe of the United Nations Association – UK what steps are being taken to open up the recruitment process, and what more could be done:¹¹⁰

It is crucial that a highly capable Secretary-General is appointed this year - someone who can inspire global action, speak truth to power and give voice to the hopes and needs of the world's seven billion people. Their ability to do so would be enormously strengthened by a selection process that is focused on merit; gives them a broader base of support; and minimises the political compromises needed for appointment.

Previously, the process has satisfied none of these conditions, lacking even basic elements of modern recruitment practices and falling short of the UN's principles on good governance. The UNSC has chosen a candidate behind closed doors; the rest of the UN's membership has rubberstamped that decision. Opaque and out-dated, this process has damaged the performance and perception of the UN.

107 Open Letter to candidates to the Human Rights Council', Human Rights Watch, 27 October 2015, <http://bit.ly/1SmyAk6>.

108 'Strengthening the Human Rights Council at 10', Joint Civil Society Paper, April 2016, <http://bit.ly/23gKbmj>.

109 'Candidates for UN top job given public hearing', The Guardian, 12 April 2016, <http://bit.ly/21bHQK2>; 'United Nations candidates compete for secretary general job in debate – as it happened', The Guardian, 14 April 2016, <http://bit.ly/20COAjD>.

110 This is an edited extract. For the full interview see 'Selection of UN Secretary-General must be transparent', CIVICUS, 2 February 2016, <http://bit.ly/1NXkcrf>.

In 2015, efforts by civil society, notably the 1 for 7 Billion campaign, and supportive states led to a ground-breaking General Assembly resolution (69/321) to strengthen the process.¹¹¹ It set out broad selection criteria; asked the presidents of the Assembly and Security Council to send a joint letter to states containing a description of the entire process; called for candidates' names and CVs to be circulated; and decided to "conduct informal dialogues or meetings" with candidates. The letter was sent out on 15 December 2015, marking the formal start of the process. Official candidates, and their CVs, are listed on the UN website following their formal nomination.

Efforts should now focus on identifying high-calibre candidates. This should include nominations drawn from a wide talent pool, with candidates from civil society and business considered alongside politicians, diplomats and UN officials, and a search process that involves parliaments, civil society and the public.



Photograph: United Nations Photo

The process should also be transparent and inclusive. Civil society and the media should have opportunities to engage with candidates and put questions to them, including through the formal process. And efforts must be made to make the process less politicised. This should include explicit commitments by states and candidates to refrain from making promises in exchange for support.

A single term of office would further strengthen autonomy and accountability. This would provide candidates with political space - and a hard deadline - to implement a more independent and visionary agenda. It would also remove the need for a time-consuming re-appointment campaign and the political bargaining involved. Freed from these constraints, the Secretary-General would be in a stronger position to resist states' efforts to compel the UN to take on poorly-resourced tasks and to insist on action in areas where states are reluctant to lead.

The new UN Secretary-General will be the ninth person to hold the job, and the past eight office holders have all been men, making the role unrepresentative of more than half the world's population. This is despite the strong women's activism and civic energy seen in so many parts of the world, and the recognition in key texts such as the SDGs that women's leadership needs to be promoted.¹¹² Equality Now, a women and girls human rights network, is one organisation campaigning for the next UN Secretary-General to be a woman.¹¹³ We asked Natalie Samarasinghe what the prospects might be of the glass ceiling being shattered:

Just three of 31 formal candidates in past appointments have been women. This shows how flawed the selection process has been and makes the UN seem like it has a glass ceiling on par with the Vatican.

However, it is likely that 2016 will see a number of women emerge as strong candidates. Several have already declared their interest and many states - and civil society groups - have expressed a preference for a female Secretary-General. The fact that the process will be more transparent this time will only add to the pressure.

I would love to see a woman on the 38th floor and there is no lack of potential candidates. That said, the primary consideration should remain merit. Saying that the next Secretary-General must be female because there has never been a woman in the post only fuels those who believe that they must come from a particular region for that same reason. Diversity matters greatly in an organisation such as the UN, but it should not trump quality.

Instead, we should encourage high-calibre women to be put forward. We should monitor gender balance in the official list of candidates. We should question all candidates - men and women - about their track record on gender issues and encourage them to set out objectives on furthering gender equality.

And we should call for the process to be guided by formulations used by other intergovernmental bodies, such as the World Trade Organization, which states that, "Where Members are faced in the final selection with equally meritorious

112 'Will the next UN Secretary General be a woman?', New Statesman, 28 November 2014, <http://bit.ly/1FzVCvw>; 'Should the next U.N. Secretary-General be a woman?', Newsweek, 28 September 2015, <http://bit.ly/1OEWpCf>.

113 'Time For A Woman', Equality Now, <http://bit.ly/1OHY0Nx>.

candidates, they shall take into consideration as one of the factors the desirability of reflecting the diversity of the WTO's membership in successive appointments to the post of Director-General."

Finally, we asked what civil society is doing to improve the process, and what more needs to be done:

In 2013, the United Nations Association – UK co-founded 1 for 7 Billion, a global campaign to improve the selection process. More than 750 organisations, including CIVICUS, support the initiative, which now has a global reach of 170 million people.

Our efforts - at the UN and in capitals, with parliamentarians and CSOs, and in the media - have led to an unprecedented number of states calling for an improved process. We have facilitated the development of concrete proposals by reform-minded states and helped initiate discussions on this issue in the UNSC and General Assembly. We have generated media coverage in news outlets around the world, and our website is the leading source of up-to-date and objective information on the process and developments. And we have worked with prominent reform supporters, such as The Elders, to bring these issues to public audiences around the world.

Our efforts will focus on encouraging high-calibre nominations and on inspiring a global conversation about the qualities of, and priorities for, the next Secretary-General. We will continue to press for a single term and to highlight the detrimental effect of backroom deals struck during the appointment process. This will include asking all official candidates to commit voluntarily to a single term and to refrain from making promises to states. And we will work with the press to ensure scrutiny of candidates' records and objectives.

We hope that civil society groups around the world will join forces with us: lobby your governments for a say in the process, engage candidates in meetings, support our push for a single term, and make sure journalists scrutinise this important process.

A group of international civil society networks, including CIVICUS, has also set out an agenda of eight criteria, by which the candidates for the role should be assessed. The eight criteria are:

1. Strengthen the impact of the UN on human rights
2. Champion the rights of marginalised people
3. Seek to prevent and end mass atrocity crimes
4. Combat impunity
5. Defend civil society
6. Ensure gender equality
7. Deliver a new deal for refugees and migrants
8. End the death penalty

The above provides a clear framework for testing the worthiness of candidates for the role, and the progress the new Secretary-General makes once appointed.¹¹⁴

The UNSC and UNHRC remain key arenas in which civil society needs to continue to engage, working where possible with like-minded states to advance reform. They are important because change in these institutions will unlock impact in upholding and defending human rights, and civil society rights as part of these. The changes in the process to recruit a Secretary-General, modest as they may be, show that civil society can have an impact in encouraging change, shaping the debate, and mobilising citizens to grow public awareness that opens up opaque processes. Civil society will continue to be a source of ideas, challenges and alternatives, and act as a critical friend of UN institutions.

10. CIVIL SOCIETY AT THE GLOBAL LEVEL: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

The international terrain covered above has been diverse and the experience disparate, but some common threads can be drawn. In international arenas, civil society is demanding greater access, and a greater say in influencing how international institutions act and change. Civil society is committed to upholding the progressive values that underpin many international institutions, and that often need to be defended from regressive states, but at the same time civil society is working to improve these institutions. This is because progressive international institutions are best positioned to help overcome the pressing challenges of the day, many of which are transnational and beyond the scope of states alone to address, and international law and the propagation of international norms offers a bulwark for human rights, including civil society rights. Civil society engages best when it works in broad-based coalitions that bring global south voices to the debate, and is able to mobilise and channel public concern.

From the above analysis the following are suggested as recommendations:

- For both the SDGs and COP21, agreements now exist that are important today and will be in the years to come. The monitoring and review of actions taken in response to these commitments is the next frontier. There is a need for concerted civil society engagement, both domestically and internationally, to demand a full role in implementation, monitoring and review, in order to enable effective implementation, and to enable citizens to hold states to account over their commitments. As part of this engagement, civil society should apply and demonstrate the value of open and citizen-generated data.
- Changes to ODA are currently under way, and when these concern donors that traditionally give strong support to civil society, the potential for the civil society resourcing environment to be worsened seems clear. Urgent public debate is now needed about ODA, including in the context of the SDGs. This will not be easy, given antipathy to development spending and

¹¹⁴ 'A human rights agenda for the next United Nations Secretary-General', CIVICUS, 10 April 2016, <http://bit.ly/1Tsh0Kp>.

anti-refugee sentiment that is prevalent among many of the publics of donor countries. Civil society needs to find new ways of engaging with the public to make a fresh case for ODA, and more broadly for internationalism. Civil society also needs to work with emerging donors of the global south to encourage them to institutionalise support for civil society. Philanthropic institutions in the global south also need to be developed and mobilised to step in where ODA funding falls.

- Where civil society has had impact in the above examples, such as in making the TTIP an issue of higher political priority, it is through forming broad-based coalitions that bring together normally disconnected voices and combine the strength and reach of different civil society forms. These can both domesticise an issue - make it real to citizens, and encourage them to act - and internationally develop solidarity and share tactics, including through coordinated days of international action. These realise the ability of some civil society forms, such as unions, to mobilise their membership, and combine public protest with expert advocacy towards decision-makers. More such actions and coalitions are needed, and they should be supported.
- Civil society shows considerable commitment to engaging at the international level, but there is growing awareness that the diversity of the civil society that engages needs to be improved. Entry barriers are diverse, and include issues of CSO size, location and resourcing, lack of awareness of opportunities, and a sense that official processes are closed, opaque or shrouded in obscure language. Larger CSOs that are already involved in international processes need to work to involve a more diverse range of fellow CSOs. Intergovernmental bodies need to improve their outreach, and commit to, support, realise and report on broad-based processes of civil society engagement.
- The growing role of transnational corporations, in development processes and in international institutions, must now be of urgent concern. Corporate involvement can reduce transparency and accountability, undermine the credibility of processes, whitewash corporate human rights abuses, and makes the exercise of rights harder. Development is also denied vital resources by the illicit manoeuvrings of international finance. It is time to seek a renegotiation of the balance of power between the private sector, states, international institutions and civil society. States alone, even if willing, have few negotiation tools to apply in the face of transnational corporate power. A new international instrument is needed to establish good governance and human rights standards for the corporate sector and hold transnational corporations and states to these. As well as this, strong criteria, based on good governance and human rights standards, should be applied when states, international institutions and CSOs select private sector partners.