



General Assembly

Distr.: General
9 August 2021

Original: English

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

In defence of a renewed multilateralism to address the coronavirus disease (COVID-19) pandemic and other global challenges

Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana*

Summary

The Independent Expert on the promotion of a democratic and equitable international order devotes his fourth thematic report to the Human Rights Council to the need of renewed multilateralism in the face of the pandemic. He examines to what extent the pandemic constitutes a most serious test to multilateralism, and how it could be the opportunity, as advocated in different forums, for strengthened, more effective and inclusive multilateralism, with a view to addressing the ongoing pandemic and future global challenges, while achieving a democratic and equitable international order.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, is submitted to the Human Rights Council in accordance with Council resolution 45/4.
2. In that resolution, the Council invited the Independent Expert to give special attention in his next report to the Council to the negative impact of the coronavirus disease (COVID-19) pandemic at the international level on relevant issues pertaining to his mandate. In this regard, he has observed that since the outbreak of the pandemic in early 2020, it has highlighted on many fronts the weaknesses in practice of the multilateral system, which is core to a democratic and equitable international order. As a result, the Independent Expert has decided to devote the present report to the need for renewed multilateralism in the face of the pandemic, examining to what extent the latter constitutes a most serious test to multilateralism, and how it could be the opportunity, as advocated in different forums, for strengthened, more effective and inclusive multilateralism, with a view to addressing the ongoing pandemic and future global challenges and to achieving a democratic and equitable international order.
3. The Independent Expert wishes to limit the scope of his report to multilateralism in relation to an equitable health response and fair socioeconomic recovery in the context of the pandemic, mindful of the ongoing broader thinking around the need for reinvigorated multilateralism that better addresses current and future challenges.¹ Multilateralism is indeed already being undermined as a result of several highly problematic issues, including geopolitical tensions, climate change, migratory and humanitarian crises, poverty and inequity. The pandemic is only the tip of the iceberg.
4. There is no doubt that the COVID-19 pandemic is the most severe crisis the world has faced since the Second World War. To date, the COVID-19 pandemic has claimed the lives of more than 4 million people, and nearly 200 million have been infected, as reported to the World Health Organization (WHO).² It is feared that the actual figures are considerably higher.³ The Independent Expert pays respect to all individuals, and to the families of those individuals, who have died as a result of the pandemic, in particular health workers who have paid a heavy price and whose sacrifice should never be forgotten.
5. As highlighted by the Office for the Coordination of Humanitarian Affairs in its Global Humanitarian Overview 2021, a total of 235 million people worldwide are in need of humanitarian assistance and protection in 2021, which represents a staggering increase of 40 per cent in one year. The detrimental impact of the pandemic on the enjoyment of civil, political, economic, social and cultural rights around the world has been, and continues to be, profound. Those who have been affected most are groups including women and girls, children and young people, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, indigenous peoples and minorities, migrants, refugees and asylum seekers. Fundamentally, as pointed out by the United Nations High Commissioner for Human Rights, the multifaceted crisis has worsened the existing inequalities and vulnerabilities, further exposing the prevailing linkages between race, ethnicity and socioeconomic status, and health outcomes. A human rights-based approach, which is first and foremost people-centred, must be central to all recovery efforts in order to build back better.⁴ The Director-General of WHO stated in December 2020 that integrating human rights protections into the response to the pandemic was not only a moral imperative, but a binding legal obligation, and that respect for all human rights would be fundamental to the success of

¹ A report of the Secretary-General on this issue is to be presented at the seventy-sixth session of the General Assembly.

² WHO, "Coronavirus (COVID-19) Dashboard". Available at: <https://covid19.who.int/>.

³ See, for instance, *The Economist*, "Tracking covid-19 excess deaths across countries". Accessed on 13 July 2021.

⁴ A/HRC/46/19, paras. 2 and 80. See also the submission of WHO for a similar assessment on the disproportionate impact of the pandemic.

the public health response.⁵ In addition, the 2030 Agenda for Sustainable Development should constitute the road map for a more resilient and fairer global recovery, with no one left behind.

6. Multilateralism and global solidarity should be the main tenets for such a recovery. The Independent Expert highlights the obligation of international cooperation and assistance, as stated, *inter alia*, in the Charter of the United Nations (arts. 55 and 56), the Universal Declaration of Human Rights (art. 22), the International Covenant on Economic, Social and Cultural Rights (art. 2 (1)) and the Committee on Economic, Social and Cultural Rights general comment No. 14 (2000) on the right to the highest attainable standard of health. This obligation takes on a whole new dimension in the dire context of the worldwide COVID-19 pandemic.

7. In preparing the present report, in addition to extensive research and desk review, the Independent Expert issued a questionnaire to Member States, civil society and other stakeholders, and he consulted bilaterally with a number of stakeholders to seek their views on the topic at stake.⁶ He expresses his gratitude to everyone who took the time to engage with him and to contribute to the report in this difficult context.

8. It is the hope of the Independent Expert that his report will provide useful observations and recommendations to all stakeholders working towards fostering renewed multilateralism while seeking to defeat the pandemic, in the pursuit of a democratic and equitable international order.

II. Activities

9. During the reporting period, the entirety of which was marked by travel restrictions due to the COVID-19 pandemic, the Independent Expert participated in a number of events, including the following:

(a) Acting as moderator for a webinar on the impact of unilateral coercive measures on national health systems of targeted developing countries, in particular on the health and well-being of women, children, persons with disabilities and other people in vulnerable situations, which was jointly organized by the Permanent Missions of Belarus, Bolivia (Plurinational State of), China, Cuba, Iran (Islamic Republic of), Nicaragua, the Russian Federation, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe to the United Nations in New York, and held on 3 June 2021;

(b) An online side event on special procedures speaking with one voice, pertaining to human rights experts and collective action and statements, which was held on 22 June 2021 on the margins of the forty-seventh session of the Human Rights Council, bringing together many experts to speak about their efforts to articulate profound human rights concerns collectively, to address progress and benchmarking on the collective calls they have made to observe human rights in specific contexts or situations, and to focus attention on the issues they have raised collectively and their achievements;

(c) An online workshop on United Nations mandate holders on human rights and the Sustainable Development Goals, which was held on 2 July 2021 and was organized by (i) the Special Rapporteur on extreme poverty and human rights, (ii) the Sustainable Development Goal Advocate for the Secretary-General and President of the Sustainable Development Solutions Network, and (iii) the Columbia Center on Sustainable Investment, to explore ways to strengthen the inherent bonds and mutual support of the sustainable development and human rights communities.

⁵ See the submission of WHO, referring to the Annual Lecture on Global Health and Human Rights given by the Director-General of WHO at the University of Nottingham's Human Rights Law Centre in December 2020.

⁶ The questionnaire and the responses received will be made available on the webpage of the Independent Expert, under the heading "Annual thematic reports", at www.ohchr.org/EN/Issues/IntOrder/Pages/Reports.aspx.

10. The Independent Expert found that all the interactions he had with his various interlocutors on thematic and country issues were instructive and demonstrated a renewed interest in his mandate.

11. During the reporting cycle, the Independent Expert issued 15 communications and 14 press releases jointly with fellow special procedure mandate holders. As in the previous reporting cycle, several of these press releases related to human rights challenges arising from the COVID-19 pandemic.

III. Need for renewed multilateralism in the context of the COVID-19 pandemic

A. New impetus for multilateralism

12. Multilateralism, the founding principles of which are cooperation, consultation, inclusion and solidarity, is generally defined in opposition to the notions of bilateralism, nationalism, protectionism and isolationism, which a number of powerful countries have regrettably favoured over the last decade in the context of the above-mentioned growing global challenges. Its main purpose is to enable Member States to join forces by coordinating their actions in response to such challenges, which they are unable to face on their own.⁷ Therefore, it is undeniably the best option offered to the international community, which has lately asserted the fundamental importance of multilateralism on repeated occasions.

13. On 12 December 2018, for example, the General Assembly adopted its resolution 73/127, in which it established the International Day of Multilateralism and Diplomacy for Peace, which was first observed on 24 April 2019. In that resolution, the Assembly acknowledged the role of multilateralism in reinforcing the advancement of the three pillars of the United Nations, and recognized the urgent need to promote and strengthen multilateralism, stressing the central role of the United Nations in that regard.⁸ Furthermore, the Secretary-General, in his call to action for human rights issued in 2020 just prior to the beginning of the pandemic, emphasized that collective action was the only answer for the multiple crises that humanity was facing. He stressed that it must be truly collective – no longer the domain of States and international organizations alone, but of the many civil society and private sector actors who had a role to play in solutions to the world’s shared problems. He stressed that stronger multilateralism had to be more inclusive and more networked, and that it had to place human rights at its very centre.⁹

14. The dire context of the pandemic catalysed the need for renewed, stronger multilateralism. On the seventy-fifth anniversary of the United Nations, in September 2020, Member States made a commitment to reinvigorated multilateralism that is inclusive, networked and effective. To that end, they identified 12 areas of action and solemnly declared that multilateralism was not an option but a necessity in efforts to build back better for a more equal, more resilient and more sustainable world. They stressed that the United Nations must be at the centre of those efforts.¹⁰

15. The Secretary-General advanced the idea of a new social contract within States and a new global deal between States, noting that what was needed was new global governance, rebalanced financial and trade systems, effective delivery of critical global public goods and decision-making guided by standards of sustainability.¹¹

16. In its resolution 75/4, the General Assembly reaffirmed its commitment to international cooperation and multilateralism and noted the fundamental role of the United

⁷ For a detailed definition and history of multilateralism, see: <https://multilateralism100.unog.ch/>. See also the submissions of Mauritius, Mexico and Qatar.

⁸ General Assembly resolution 73/127, operative paras. 2 and 4.

⁹ António Guterres, “The highest aspiration: a call to action for human rights” (2020), p. 11.

¹⁰ United Nations, “Declaration on the commemoration of the seventy-fifth anniversary of the United Nations”, 21 September 2020.

¹¹ A/75/1, para. 14.

Nations system in the comprehensive global response to the COVID-19 pandemic, including the crucial role played by WHO, and the crucial efforts of Member States therein (operative para. 4). In its resolution 75/178, the Assembly also affirmed that a democratic and equitable international order required the shared responsibility of the nations of the world for managing worldwide economic and social development, including addressing pandemics and other health-related global challenges, as well as threats to international peace and security, which should be exercised multilaterally (operative para. 7), while recognizing that such an order enhanced the capacities of all countries to respond to and recover from the pandemic and other global challenges (operative para. 21).

17. Similarly, in its resolution 45/4, the Human Rights Council emphasized the importance of a democratic and equitable international order for effectively addressing the current global challenges and crises, aggravated by the COVID-19 pandemic (operative para. 7). In its resolution 46/13, the Council also reaffirmed the commitment of States to international cooperation, multilateralism and solidarity at all levels and as the only way for the world to effectively respond to global crises, such as the COVID-19 pandemic, and their consequences (operative para. 6).

18. Finally, the special session of the General Assembly in response to the COVID-19 pandemic was held on 3 and 4 December 2020, during which a strong call for multilateralism and a coordinated international response to the crisis was repeatedly made. The leadership of the United Nations and of WHO was once again reaffirmed.

B. Multilateralism as the sole path towards an equitable health response and fair socioeconomic recovery

1. Multilateral health response

(i) Equitable global access to vaccines

19. In these trying times, the equitable global distribution of vaccines, as the prime means to protect global public health, ought to be the most profound manifestation of the spirit and *raison d'être* of multilateralism. Vaccine equity is, in the words of the Secretary-General, the greatest immediate moral test of our times.¹²

20. Shortly after the onset of the pandemic, in April 2020, WHO, together with the European Commission, France and the Bill and Melinda Gates Foundation, launched the Access to the COVID-19 Tools Accelerator (ACT-A) with two goals: the rapid development of vaccines, diagnostics and therapeutics, and equitable access to those tools. That set the basis for the formation of a partnership among WHO, the Bill and Melinda Gates Foundation, the Coalition for Epidemic Preparedness Innovations, the Gavi Alliance, the Global Fund to Fight AIDS, Tuberculosis and Malaria, Unitaid, the Foundation for Innovative New Diagnostics, the Wellcome Trust, the World Bank Group, and the United Nations Children's Fund, as an implementing partner. WHO and its partners have joined forces with Member States, industry, civil society, the private sector and others to speed up an end to the pandemic by supporting the development and equitable distribution of the tests, treatments and vaccines the world needs to reduce mortality and severe disease, restoring full societal and economic activity globally in the near term, and facilitating high-level control of COVID-19 in the longer term.¹³

21. Stemming from this partnership is the COVID-19 Vaccines Global Access (COVAX) Facility, the vaccine pillar of ACT-A. COVAX is a platform that supports the research, development and manufacturing of a wide range of COVID-19 vaccine candidates, and negotiates their pricing, with a view to ensuring that participating countries, both self-financing countries and funded countries, regardless of income levels, will have equal access to the vaccines once they are developed.¹⁴ There is also a separate funding mechanism, the

¹² United Nations, "Message of the Secretary-General on the four millionth death from the COVID-19 pandemic", 7 July 2021.

¹³ See the submission of WHO.

¹⁴ Seth Berkley, "COVAX explained", 3 September 2020.

Gavi COVAX Advance Market Commitment, which provides vaccine doses to lower-income countries.¹⁵

22. As at 20 July 2021, COVAX had delivered 135 million vaccine doses to 136 countries.¹⁶ This laudable endeavour is guided by the Fair Allocation Framework for COVID-19 vaccines, the WHO Strategic Advisory Group on Immunization and Vaccines Values Framework for the allocation and prioritization of COVID-19 vaccination, and the roadmap for prioritizing the use of COVID-19 vaccines in the context of limited supply, which expressly incorporate human rights, gender equality and equity considerations in the acquisition and distribution of vaccines among and within countries.¹⁷ The Independent Expert highly praises the essential work of WHO and of all the above-mentioned partners under the ACT-A scheme. This multilateral, inclusive approach is humanity's best hope against the pandemic.

23. However, it is abundantly clear that there is now a "two-track pandemic", with high-income countries, which have access to vaccines and as a result have started relaxing safety measures, and other countries, which have no or limited access to vaccines and are facing a very precarious situation.¹⁸

24. The Independent Expert welcomes the various calls of solidarity made towards global vaccine equity.¹⁹ He also welcomes the Global Vaccine Plan announced by the Secretary-General on 7 July 2021, in which he identified the need to at least double the production of vaccines and to ensure equitable distribution, using COVAX as the platform; coordinate implementation and financing; and support the readiness and capacity of countries to roll out immunization programmes, while tackling the serious problem of vaccine hesitancy. To that end, he called for an emergency task force to be set up with countries that had vaccine-producing capabilities; WHO; the Gavi Alliance; international financial institutions that were able to deal with the relevant pharmaceutical companies and manufacturers; and other key stakeholders.²⁰ He similarly welcomed the establishment of the Task Force on COVID-19 Vaccines, Therapeutics and Diagnostics for Developing Countries in June 2021 by WHO, the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO).²¹ These are important multilateral efforts in the global health response to the pandemic.

25. As highlighted by WHO, a number of hurdles are undermining the COVID-19 response, that is, inadequate financial resources for ACT-A, including the COVAX facility, and insufficient international assistance and cooperation in supporting equitable delivery of COVID-19 tools, including vaccines, to low- and middle-income countries.²²

a. Funding gap for the Access to the COVID-19 Tools Accelerator

26. Since its inception and despite its fundamental utility, the Access to the COVID-19 Tools Accelerator remains underfunded. While there has been an increase of commitments to \$17.8 billion for ACT-A thanks to sovereign funders and private sector, philanthropic and

¹⁵ Ibid.

¹⁶ For information on the COVAX vaccine roll-out, see www.gavi.org/covax-facility.

¹⁷ See the submission of WHO.

¹⁸ WHO, "Director-General's opening remarks at the media briefing on COVID-19", 7 June 2021. See also the submission of WHO.

¹⁹ For instance, the call to action for vaccine equity issued by the Director-General of WHO in January 2021 (see the submission of WHO); and the call for fair access to vaccines issued on 24 May 2021 by global faith leaders, United Nations agencies and the International Committee of the Red Cross (see Harriet Sherwood, "WHO and global faith leaders call for fair access to Covid vaccines", *The Guardian*, 24 May 2021).

²⁰ United Nations, "Message of the Secretary-General on the four millionth death from the COVID-19 pandemic", 7 July 2021.

²¹ World Bank, "Joint statement by the heads of the World Bank Group, International Monetary Fund, World Health Organization, and World Trade Organization on the first meeting of the task force on COVID-19 vaccines, therapeutics and diagnostics for developing countries", 30 June 2021.

²² See the submission of WHO.

multilateral contributors, the funding gap for 2021 remains at \$16.7 billion as at 9 July 2021.²³ The Independent Expert welcomes the fact that the Gavi COVAX Advance Market Commitment Summit, held on 2 June 2021, exceeded the funding target by raising \$2.4 billion from 40 States, the private sector and foundations. However, what needs to be funded urgently are the other ACT-A pillars, which cover therapeutics and diagnosis (testing) research, development and production. This funding gap should be put in perspective with the following figure: according to the Stockholm International Peace Research Institute, military spending worldwide increased by 2.6 per cent in 2020 to reach nearly \$2 trillion, which the Independent Expert finds particularly reprehensible in the present circumstances.²⁴

b. Vaccine nationalism and vaccine diplomacy

27. Despite the formidable threat that the pandemic poses to the world, the Independent Expert is appalled by instances of vaccine nationalism and hoarding, whereby some States have sought to strike deals with pharmaceutical companies that manufacture vaccines for the benefit of their own citizens.²⁵ The Independent Expert understands the motivation to make such bilateral deals in light of the responsibility of States towards their own populations. Nevertheless, in the current context, where the supply of vaccines is dramatically limited, a multilateral approach to distribute vaccines globally in an equitable manner should be the only way forward. Any other approach is harmful to the world community and ultimately unproductive. As highlighted by a group of special procedure mandate holders in November 2020, viruses do not respect borders, and no one is secure until all of us are secure in an interconnected and interdependent world.²⁶ This is all the more true with the constant emergence of new variants, which brings great uncertainty, as those variants render vaccines less effective. The latest variant – the Delta variant – is more transmissible than the three current variants of concern. This is particularly worrying, as some States are beginning to relax their public health measures.

28. The Independent Expert has also observed with dismay the phenomenon of vaccine diplomacy whereby vaccines have become a diplomatic weapon in the arsenal of some States to advance their geopolitical influence over other countries, thereby hampering the equitable distribution of vaccines. There should be absolutely no room for geopolitics with regards to vaccines in these trying times. It is only “clean and clear cooperation” among States that can put an end to the pandemic.²⁷

c. Insufficient dose-sharing

29. In light of the current vaccine shortage, it is essential that countries with substantial supplies, thanks to bilateral deals struck with vaccine manufacturers, immediately share doses through COVAX in order to distribute them to the 92 low- and middle-income countries participating in the COVAX Vaccines Advance Market Commitment, and meet the target of vaccinating at least 10 per cent of the population in each country by September 2021, and at least 30 per cent by the end of 2021. To this end, 250 million more doses are needed for low- and middle-income countries by September to achieve the 10 per cent target.²⁸ In this regard, COVAX has developed five principles for dose-sharing on an equitable basis: safe and effective, early availability, rapidly deployable, unarmarked and substantive quantity.²⁹

30. The Independent Expert notes the commitment made by the Group of Seven (G7) during its forty-seventh summit, held in Cornwall, United Kingdom of Great Britain and

²³ WHO, “Access to COVID-19 tools funding commitment tracker”, as at 9 July 2021. See also the submission of WHO.

²⁴ Stockholm International Peace Research Institute, “World military spending rises to almost \$2 trillion in 2020”, 26 April 2021.

²⁵ See the submission of Andorra.

²⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), “No one is secure until all of us are secure: UN experts decry COVID vaccine hoarding”, 9 November 2020.

²⁷ WHO, “WHO press conference on coronavirus disease (COVID-19)”, video press briefing, 10 May 2021.

²⁸ Jenny Lei Ravelo, “Tedros: support 10% vaccination push by September”, Devex, 25 May 2021.

²⁹ COVAX, “Principles for sharing COVID-19 vaccines doses with COVAX”, 18 December 2020.

Northern Ireland, in June 2021, to contribute 870 million vaccine doses, in addition to the 1 billion pledged in February 2021.³⁰ However, it falls short of the global need of 10 billion doses and amounts to vaccine charity as rightly pointed out by Oxfam,³¹ rather than vaccine equity.

d. Trade-Related Aspects of Intellectual Property Rights waiver

31. On 2 October 2020, India and South Africa applied before the Council for Trade-related Aspects of Intellectual Property Rights (TRIPS) of WTO for a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19 so that patents, industrial designs, copyright and protection of undisclosed information would not create barriers to timely access to affordable medical products, including vaccines and medicines or to the scaling-up of research, development, manufacturing and supply of medical products essential to combat COVID-19.³² Most developed countries have opposed the waiver request, with one notable exception: United States of America. As a result, at its forty-seventh summit, the G7 failed to reach an agreement to support a temporary waiver, which is highly regrettable.

32. As stressed by several special procedure mandate holders, including the Independent Expert, in a public statement on 1 March 2021, ahead of the TRIPS Council meetings, the sustainable development objective of WTO cannot be realized by undermining the ability of countries to interpret the TRIPS Agreement in a way that is supportive of their development needs and of ways to deal with a public health crisis. The TRIPS Agreement can and should facilitate the protection of public health on a global scale and promote self-sufficiency of all members.³³ Similarly, the Director-General of WHO has expressed his support for the waiver request,³⁴ as have civil society organizations.³⁵

33. The Independent Expert is disheartened by the greed of some pharmaceutical companies that are exerting pressure on several member States of WTO to block the waiver of the TRIPS Agreement. He deems it necessary to remind them of their responsibility to respect human rights. As previously stressed by a group of experts, these companies should not put profits ahead of people's rights to life and health, and should accept restrictions on patent protections of vaccines they develop.³⁶

e. Ban on export of raw materials for production of vaccines

34. Another important aspect of the global shortage of vaccines, beyond the issue of the TRIPS waiver, is the practical inability of developing countries to produce vaccines because of export bans, which have been imposed by some developed countries, of raw materials necessary for such production.³⁷ As warned by WHO, vaccines are complex products with ingredients sourced from different places and assembled through global supply chains. WHO notes that if export bans are put in place by countries, it is likely to snowball into something that will become uncontrollable because these global supply chains will get disrupted.³⁸ The Independent Expert is very concerned by these restrictions.

³⁰ See the submission of WHO.

³¹ Al Jazeera, "G7 to donate 1 billion COVID-19 vaccine doses to poorer countries", 11 June 2021.

³² WTO, "Waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19", communication No. IP/C/W/669, 2 October 2020.

³³ OHCHR, "COVID-19: UN experts urge WTO cooperation on vaccines to protect global public health", 1 March 2021. See also E/C.12/2021/1.

³⁴ WHO, "WHO Director-General commends United States decision to support temporary waiver on intellectual property rights for COVID-19 vaccines", 5 May 2021.

³⁵ See, for instance, the submission of ActionAid and the joint submission of Amnesty International, CIVICUS: World Alliance for Citizen Participation, Humanists International and International Service for Human Rights.

³⁶ OHCHR, "No one is secure until all of us are secure".

³⁷ See the submission of the Elizka Relief Foundation.

³⁸ Cable News Network, transcript of "Amanpour", intervention by Dr. Soumya Swaminathan, WHO's chief scientist (24 March 2021). Available at: <http://transcripts.cnn.com/TRANSCRIPTS/2103/24/ampr.01.html>.

f. Underused COVID-19 technology access pool

35. Another important yet still underused tool in the multilateral architecture put in place for the health response to the pandemic is the COVID-19 technology access pool. It was launched in May 2020 by WHO and its partners under a global solidarity call to action endorsed by nearly 40 of its member States, as a global one-stop shop for developers of COVID-19 therapeutics, diagnostics, vaccines and other health products to share their intellectual property, knowledge and data with quality-assured manufacturers through licences that are public, health-driven, voluntary, non-exclusive and transparent.³⁹ Until the issue of the TRIPS waiver is resolved, the COVID-19 technology access pool can provide a temporary alternative solution since it operates within the intellectual property rights framework, so pharmaceutical groups get a financial incentive to share their intellectual property licence and, as a result, the global production of vaccines can be increased. The Independent Expert finds this innovative tool promising and possessing great potential.

(ii) *Need to strengthen WHO and the global health architecture*

36. The leadership of WHO in response to the COVID-19 pandemic has rightly been reaffirmed by the international community in various forums, as well as in many submissions received.⁴⁰ A number of review processes of the work of WHO are being undertaken, and a prevailing view is that this respected institution needs to be strengthened ahead of the next epidemic in order to enable it to perform its fundamental mission to promote health, keep the world safe and serve the vulnerable, which is based on Sustainable Development Goal 3 and the associated Triple Billion Goals, reflected in the WHO thirteenth general programme of work (2019–2023).⁴¹

37. Critically, WHO needs to be adequately funded – that is, it should rely far less on voluntary contributions, and far more on membership contributions, in order to guarantee predictability and sustainability of funding. The Independent Expert notes that in January 2021, at the 148th session of the WHO Executive Board, the Working Group on Sustainable Financing was established, with a view to determining, inter alia (a) which functions of the organization were essential and should be funded in a sustainable manner; (b) the amount of funding required to ensure sustainability of the essential functions; and (c) who should provide the funding.⁴² These are fundamental questions, and he hopes that the recommendations of the Working Group, which are to be presented at the seventy-fifth World Health Assembly, to be held in January 2022, will lead to the improvement of sustainable funding to the organization.⁴³

38. Furthermore, the Independent Expert notes with interest World Health Assembly resolution 74.7, on strengthening WHO preparedness for and response to health emergencies, in which the Assembly established a dedicated working group tasked with submitting a report with proposed actions for the WHO secretariat, its member States and non-State actors, as appropriate, for consideration by the seventy-fifth World Health Assembly at its 150th session.⁴⁴ He looks forward to the deliberations of the working group.

39. The Independent Expert also takes note of the report of the Independent Panel for Pandemic Preparedness and Response, established at the request of the World Health Assembly in May 2020, to initiate an impartial, independent and comprehensive review of the international health response to the COVID-19 pandemic and of experiences gained and lessons learned from it, and to make recommendations to improve capacities for the future. The Independent Panel found weak links at every point in the chain of preparedness and response. Preparation was inconsistent and underfunded. The alert system was too slow and

³⁹ See www.who.int/initiatives/covid-19-technology-access-pool.

⁴⁰ See, for instance, the submissions of Andorra, Australia, Cuba and Uruguay.

⁴¹ See the submission of WHO.

⁴² WHO, “WHO sustainable financing: options for the consideration of the Working Group”, document EB/WGSF/1/3, 24 March 2021.

⁴³ See the submission of Australia, in which it expresses, in its capacity as member of the Working Group on Sustainable Financing, its commitment to improve the sustainability of WHO’s financing and to build a strong and capable organization at all levels.

⁴⁴ See the submission of WHO.

too meek. It also found that WHO was underpowered, that the response to the pandemic had exacerbated inequalities and that global political leadership was absent. The Independent Expert found several of the recommendations worthy of urgent action, including the following: (a) elevate pandemic preparedness and response to the highest level of political leadership by, inter alia, establishing a high-level global health threats council led by Heads of State and Government; (b) empower WHO to take a leading, convening and coordinating role in operational aspects of an emergency response to a pandemic without, in most circumstances, taking on responsibility for procurement and supplies; (c) establish a new global, agile and rapid surveillance information and alert system for surveillance, based on full transparency by all parties, using state-of-the-art digital tools; (d) create an international pandemic financing facility to raise additional reliable funding for pandemic preparedness and for rapid surge financing for response.⁴⁵ The Independent Expert wishes to stress that the equal representation of all countries in any new entity envisaged should be guaranteed, as should the genuine participation of civil society, in particular in the proposed global health threats council. He will follow closely the discussions around the recommendations of the Independent Panel at the special session of the World Health Assembly to be held in November 2021.

40. As noted in some submissions,⁴⁶ another key part of the equation in the strengthening of the global health response is the full pursuance of the One Health approach of WHO, which supports the design and implementation of programmes, policies, legislation and research, in which multiple sectors communicate and work together to achieve better public health outcomes, including in relation to the control of zoonoses – that is, infectious diseases caused by pathogen that has jumped from an animal to a human being – and combating antibiotic resistance.⁴⁷ In this regard, the Independent Expert welcomes the launch of the One Health high-level expert panel, with a view to improving the understanding of the emergence and spread of diseases with the potential to trigger pandemics, and he looks forward to its findings.

(iii) *Pandemic treaty*

41. In March 2021, a total of 25 heads of Governments and international agencies, including WHO, issued a joint call for an international pandemic treaty in order to foster an “all-of-government and all-of-society” approach, strengthening national, regional and global capacities and resilience to future pandemics. Such an approach includes greatly enhancing international cooperation to improve, for example, alert systems; data-sharing; research; and local, regional and global production and distribution of medical and public health countermeasures, such as vaccines, medicines, diagnostics and personal protective equipment.⁴⁸ The Independent Panel subsequently recommended the adoption of an international treaty for pandemic preparedness and response.⁴⁹

42. The Independent Expert is supportive of the adoption of such an instrument, given its added value, complementing the international health regulations. However, he cautions that any discussion around such an instrument should take place within the framework of the World Health Assembly, and if the drafting of a pandemic treaty goes ahead, it would be essential that a wide, open and genuine consultation process occur, including all Member States, regional international organizations and civil society, including from the global South, free from pressure from the pharmaceutical industry.⁵⁰ Furthermore, it would be important that this new instrument explicitly refer to the relevant obligations of States to protect human rights and fundamental freedoms during the pandemic, including the right to health; the right

⁴⁵ Independent Panel for Pandemic Preparedness and Response, main report and accompanying work, May 2021. Documents available at <https://theindependentpanel.org/mainreport/>.

⁴⁶ See the submissions of Australia and Colombia.

⁴⁷ WHO, “What is ‘One Health’?”, 21 September 2017.

⁴⁸ WHO, “COVID-19 shows why united action is needed for more robust international health architecture”, 30 March 2021.

⁴⁹ Independent Panel for Pandemic Preparedness and Response, *COVID-19: Make It the Last Pandemic* (Geneva, 2021).

⁵⁰ See the submissions of Cuba, Mauritius and the Syrian Arab Republic, and of ActionAid and the Elizka Relief Foundation.

to life; the right to freedom of expression, including access to information; and the right to privacy.⁵¹ Likewise, it should take into account the plight of the above-mentioned groups most affected by the pandemic, that is, women and girls, children and young people, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, indigenous peoples and minorities, migrants, refugees and asylum seekers.

2. Multilateral socioeconomic recovery

43. For an equitable economic recovery, it is imperative to avert a major global debt crisis and increase fiscal space for countries impacted by the pandemic, bearing in mind the pre-existing debt vulnerabilities of developing countries. As stressed by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, temporary debt standstill, emergency financing, debt restructuring and debt cancellation should be part of the tool box of States, international institutions and the private sector, in order to address debt issues quickly.⁵² The Independent Expert on the promotion of a democratic and equitable international order welcomes the emergency measures taken so far by different stakeholders, including IMF and the World Bank, to mitigate the effects of the crisis, some of which were described in his previous report.⁵³

44. Most notably, in March 2021, following several months of advocacy by many stakeholders, IMF announced the allocation of \$650 billion in emergency reserve funds, known as special drawing rights, with a view to supporting the global recovery from the pandemic through the provision of additional liquidity to the global economic system by supplementing the reserve assets of the Fund's 190 member countries.⁵⁴ The Independent Expert welcomes this significant decision, noting that special drawing rights were also allocated in the aftermath of the 2008 financial crisis.

45. The Independent Expert voices his full support for the framework aimed at ensuring debt relief that has been proposed by the United Nations. The framework builds on principles of debt sustainability that were discussed and agreed at the United Nations and laid out in the Addis Ababa Action Agenda, and that reflect best practices underlying debt resolution at IMF and the World Bank. The principles indicate that: debtors and creditors must share responsibility for preventing and resolving unsustainable debt situations; debt restructuring should be timely, orderly, effective, fair and negotiated in good faith; and debt workouts should be aimed at restoring public debt sustainability, while enhancing the ability of countries to achieve sustainable development, growth with greater equality and the Sustainable Development goals. A three-phase approach is proposed:

(a) *Phase 1.* Establish a standstill to give immediate “breathing space” to all countries that need it through an agreed mechanism (perhaps through certification by IMF), as well as support to countries that still have market access. A moratorium will provide a pause until the depth of the crisis has passed and the extent to which countries have been affected by it is better understood;

(b) *Phase 2.* Beyond the immediate crisis response and the debt moratorium, targeted debt relief will likely be needed, as the impact of COVID-19 has compounded the high-debt levels and unmet financing needs for the Sustainable Development Goals that existed even before the pandemic hit;

(c) *Phase 3.* Addressing structural issues in the international debt architecture to prevent defaults leading to prolonged financial and economic crises.⁵⁵

⁵¹ See the submission of XUMEK and the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁵² OHCHR, “COVID-19: UN expert warns of debt crisis for poorer States, calls for relief and reform of international debt architecture”, 26 October 2020.

⁵³ A/HRC/45/28, para. 49.

⁵⁴ International Monetary Fund, “IMF Executive Directors discuss a new SDR allocation of US\$650 billion to boost reserves, help global recovery from COVID-19”, 23 March 2021.

⁵⁵ United Nations, “Debt and COVID-19: a global response in solidarity”, 17 April 2020, pp. 7–8.

46. In that connection, the Independent Expert deems it appropriate to stress again that international financial institutions must take all measures necessary to prevent the misuse of funds allocated by them to States on an emergency basis to respond to the COVID-19 crisis. Such misuse of funds has potentially devastating consequences for the populations in need, especially the most vulnerable groups.⁵⁶ He welcomes a series of measures reinforced by IMF in the wake of the pandemic, including asking member States of IMF to commit in their letters of intent to ensuring that emergency assistance is used for the very urgent purpose of resolving the current crisis and not diverted for other purposes, and to identifying public financial management, anti-corruption and anti-money-laundering measures that countries can put in place without unduly delaying urgently needed disbursements.⁵⁷ He notes, however, the concerns raised by some civil society actors that the commitments made by recipient countries were being weakly implemented.⁵⁸ It is his hope that IMF will renew its efforts to ensure that its funds ultimately benefit populations in need.

47. The Independent Expert strongly cautions again against the imposition by international financial institutions of any future retrogressive measures attached to loan conditionalities in the context of the COVID-19 pandemic, including in the subsequent economic recovery. These measures include privatization and deregulation, as well as austerity measures, which require substantial reductions in public spending and/or tax increases in an effort to control public sector debt and enable economic growth. Among those disproportionately affected by such measures are women, children and young people, persons with disabilities, older persons, persons living with HIV/AIDS, indigenous peoples, ethnic minorities, migrants, refugees and unemployed persons.⁵⁹

48. In order to increase fiscal space for countries negatively impacted by the pandemic, it is also important that an overhaul of the global tax system be undertaken as soon as possible, as pointed out by the former Secretary-General of the Organisation for Economic Co-operation and Development (OECD).⁶⁰ In that regard, the Independent Expert notes the decision of the G7 Finance Ministers on 5 June 2021 to back an international agreement on global tax reform, forcing multinational corporations to pay their fair share in taxes in the countries where they do business, with a global minimum rate of 15 per cent.⁶¹ That agreement was supported on 1 July 2021 by 130 countries and jurisdictions that are members of the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting,⁶² and endorsed on 10 July 2021 by the G20 Finance Ministers.⁶³ However, he shares the concerns expressed by a number of stakeholders that the agreement, while constituting a significant step forward, is actually unbalanced, as it will mostly benefit rich countries.⁶⁴ The agreement notably did not take into account proposals from the Intergovernmental Group of Twenty-four on International Monetary Affairs and Development and the African Tax Administration Forum to apportion all global profits according to the location of multinational corporations' business activity.⁶⁵ Moreover, 15 per cent is far too little. In fact, the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030

⁵⁶ A/HRC/45/28, para. 65.

⁵⁷ IMF, "How the IMF is promoting transparent and accountable use of COVID-19 financial assistance", fact sheet, 17 February 2021.

⁵⁸ Human Rights Watch, "IMF: scant transparency for Covid-19 emergency loans", 30 March 2021.

⁵⁹ A/HRC/45/28, paras. 41–50. See also the submission of ActionAid.

⁶⁰ Angel Gurría, "An overhaul of the global tax system can wait no longer", *The Guardian*, 29 April 2021.

⁶¹ G7UK, "G7 finance ministers agree historic global tax agreement", 5 June 2021.

⁶² OECD, "130 countries and jurisdictions join bold new framework for international tax reform", 1 July 2021.

⁶³ G20, "Italian G20 Presidency, Third Finance Ministers and Central Bank Governors meeting", communiqué, 10 July 2021.

⁶⁴ See, for instance, Oxfam, "OECD Inclusive Framework agrees two-pronged tax reform and 15 percent global minimum tax: Oxfam reaction", 1 July 2021; and South Centre, "Statement by the South Centre on the two pillar solution to address the tax challenges arising from the digitalisation of the economy", 7 July 2021. See also the submission of ActionAid.

⁶⁵ Alex Cobham, "G20 could improve on 'one-sided' global tax reform", *Financial Times*, 11 June 2021.

Agenda had called for a 20 to 30 per cent global corporate tax on profits.⁶⁶ Ultimately, the Independent Expert shares the view that international tax reform is about renewing fiscal sovereignty through greater cooperation, and that the best forum to achieve that goal is the United Nations, with a view to ensuring global inclusion and transparency.⁶⁷

49. The right to social security, as guaranteed by various international human rights instruments, is also paramount in the context of the recovery. In this regard, the Independent Expert voiced support for the call to action made by the Special Rapporteur on extreme poverty and human rights in his latest report to the Human Rights Council, which echoes previous calls from various stakeholders, including former special procedure mandate holders, to establish a global fund for social protection, with a view to helping countries to shield their populations from future pandemics. As stated by the Special Rapporteur, the establishment of a global fund for social protection, as a new international financial mechanism, would make up for the funding shortfall experienced by low-income countries seeking to guarantee social protection floors for their population, and encourage those countries to establish standing, rights-based social protection systems in line with international standards, without having to fear that sudden shocks will result in a financial burden jeopardizing their affordability.⁶⁸ The Independent Expert sees the establishment of a global fund for social protection as a key proposal for multilateralism to embrace. He welcomes the adoption on 19 June 2021 by the International Labour Conference of the proposed resolution and conclusions submitted by the Recurrent Discussion Committee on social protection (social security), which calls on the International Labour Organization, as the leader on social protection in the multilateral system, to initiate and engage in discussions on concrete proposals for a new international financing mechanism, such as a global social protection fund, which could complement and support domestic resource mobilization efforts in order to achieve universal social protection.⁶⁹ He finds this development encouraging and hopes that it will trigger decisive action on this fundamental issue.

50. Furthermore, the Independent Expert sees the introduction of an emergency universal basic income as one of the key measures to mitigate the devastating consequences of the pandemic, as advocated by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.⁷⁰

51. The Independent Expert also warns against the exacerbated impact of unilateral coercive measures – such as crippling economic, political, financial or trade sanctions imposed by a State or group of States on another State – in the context of the pandemic, as stressed during the recent above-mentioned webinar he moderated on the impact of unilateral coercive measures on national health systems of targeted developing countries, in particular on the health and well-being of women, children, persons with disabilities and other people in vulnerable situations, as well as in some submissions received to the questionnaire.⁷¹ On 3 April 2020, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights called for the lifting of all unilateral sanctions that obstruct the humanitarian responses of sanctioned States, in order to enable their health-care systems to fight the COVID-19 pandemic and save lives.⁷² She later renewed this call, together with other experts, and highlighted that humanitarian exemptions to sanctions were not working.⁷³ The Independent Expert believes that unilateral coercive measures, endured first and

⁶⁶ Oxfam, “OECD Inclusive Framework agrees two-pronged tax reform and 15 percent global minimum tax: Oxfam reaction”.

⁶⁷ Alex Cobham, “G20 could improve on ‘one-sided’ global tax reform”.

⁶⁸ A/HRC/47/36, para. 66.

⁶⁹ International Labour Organization, Record of proceedings, document ILC.109/Record No. 7A, 18 June 2021, para. 21 (c).

⁷⁰ OHCHR, “‘An immediate human rights response to counter the COVID-19 and the global recession ahead is an urgent priority,’ says UN expert”, 20 March 2020.

⁷¹ See the submissions of Cuba and the Syrian Arab Republic, and of Philpot, Paul and Sterling.

⁷² OHCHR, “UN rights expert urges Governments to save lives by lifting all economic sanctions amid COVID-19 pandemic”, 3 April 2020.

⁷³ OHCHR, “UN experts: sanctions proving deadly during COVID pandemic, humanitarian exemptions not working”, 7 August 2020.

foremost by the civilian population of the targeted countries, run contrary to the essence of multilateralism. He recalls General Assembly resolution 75/181, in which the Assembly stressed that unilateral coercive measures were contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, and acknowledged that the COVID-19 pandemic had revealed the short- and long-term impacts of unilateral coercive measures on the enjoyment of all categories of civil, economic, social and cultural rights.⁷⁴

52. Furthermore, the Independent Expert deems it appropriate to refer to the United Nations draft declaration on human rights and international solidarity,⁷⁵ the relevance of which is further accentuated by the current pandemic. As stated in a joint statement issued with the Independent Expert on human rights and international solidarity, if the United Nations draft declaration were to be adopted, it would help to focus minds on the absolute necessity of practising international solidarity in the struggle to realize human rights for everyone, and would also help to provide a vital additional soft-law resource in order to ensure that the global human rights situation after the pandemic will improve.⁷⁶ The adoption of this important declaration would be a very welcome development in the present context.

3. Broader considerations to advance multilateralism in the context of the pandemic and global challenges

53. The Independent Expert would like to first pay tribute to the vital work of civil society actors in the context of the pandemic. Under very difficult circumstances, they have been providing essential services, such as health care, food and shelter, to those in need, epitomizing the principles of resilience, solidarity and community that civil society so beautifully incarnates. They have also held their Governments accountable for their often inadequate health responses, monitored the use of emergency funding received from international financial institutions to combat corruption, and/or advocated for the full protection of human rights and fundamental freedoms in this particular context, pushing back temporary, unduly restrictive emergency measures. As a result of their efforts, in many instances, civil society actors have been targeted, including through censorship, intimidation, threats, criminalization, arrests and detention. The Independent Expert believes that civil society should be seen by national authorities and other stakeholders as a most valuable partner in the response to the pandemic.⁷⁷

54. Turning to the impact of the pandemic on the participation of civil society in multilateral processes, the Independent Expert was alerted that the modalities for civil society participation at the Human Rights Council have reportedly been deprioritized during the pandemic, as Member States have been given more flexibility. Civil society organizations complained about delays in confirming modalities, access to information, time zone issues, language accessibility and lack of information regarding informal negotiations.⁷⁸ These issues most likely apply to other multilateral forums. While the use of technology has enabled the remote participation of smaller civil society organizations, which do not have the funds to travel to Geneva or which face travel restrictions in their home countries, the caveat in this situation is that not all civil society actors have access to the Internet to enable such participation. The Independent Expert agrees that the remote participation of civil society organizations needs to be strengthened, and calls upon the Human Rights Council, other multilateral forums and, in general, all United Nations consultative processes, to be more inclusive and, as a result, more transparent, by adopting a hybrid format for future sessions

⁷⁴ General Assembly resolution 75/181, preambular para. 4 and operative para. 12.

⁷⁵ A/HRC/35/35, annex.

⁷⁶ OHCHR, "UN expert urges adoption of draft declaration on international solidarity", 6 May 2020.

⁷⁷ CIVICUS, "State of civil society report" (May 2020). See also the submission of the Council of Europe and the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁷⁸ See the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

and consultations in order to enable the remote participation of stakeholders, in addition to the physical presence of other participants.⁷⁹

55. Certainly, the lack of physical meetings has had an impact on the ability of delegations to conduct effective negotiations.⁸⁰ However, the disruption to the work of civil society organizations is more acute for them owing to their limited resources. Furthermore, for these organizations, the pandemic has exacerbated the pre-existing barriers linked to obtaining visas,⁸¹ but also related to obtaining consultative status with the Economic and Social Council,⁸² owing to the flawed practices of the Committee on Non-Governmental Organizations, which have been documented at length.⁸³

56. One of the innovative solutions put forward to increase the participation of civil society in United Nations multilateral processes is the appointment of a high-level United Nations civil society envoy. The person assigned to that role would act as a central liaison point in the United Nations system and would be tasked with identifying and challenging barriers to participation, pushing for more-inclusive convening processes and driving United Nations outreach to civil society and the public.⁸⁴ In this regard, the Independent Expert expresses his full support to the call for inclusive global governance issued by We the Peoples and endorsed by 171 civil society groups and networks, from all parts of the world. The call was issued to the United Nations and Member States to appoint such an envoy, who should champion the implementation of a broader strategy for opening up the United Nations to people's participation and civil society voices.⁸⁵ In this regard, he believes that the key participation of young people should be equally promoted and secured in multilateral processes, and he welcomes the work of the United Nations Office of the Envoy of the Secretary-General on Youth, which should emulate the establishment of a United Nations civil society envoy.⁸⁶

57. Another issue of concern to the Independent Expert is the impact of the pandemic on the funding for civil society, which was already precarious prior to its outbreak.⁸⁷ He fears that such donors will divert these funds to the health and economic response. As stressed by the Emergency Relief Coordinator during the special session of the General Assembly in response to the COVID-19 pandemic, held in December 2020, it is important to invest in and preserve civil society organizations, in particular those that are community-based, in a tightening budget space.⁸⁸

58. The Independent Expert equally supports the two other institutional changes advocated by We the Peoples to make the United Nations more open, participatory and representative, with a view to ensuring that its responses both to the ongoing and to future global challenges are more effective.

59. The first of those proposed changes is the creation of a World Citizen's Initiative mechanism, likened to the European Union's model, which would enable people to put forward proposals on key issues of global concern for discussion and further action at the highest political level. It is suggested that any proposal that reaches a certain threshold of

⁷⁹ See also the submission of ActionAid and the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁸⁰ See the submission of Argentina.

⁸¹ See the submission of ActionAid and the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁸² See the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁸³ See, for instance, A/69/365, paras. 72–81.

⁸⁴ See the position of CIVICUS in the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁸⁵ We the Peoples, "Call for inclusive global governance", 23 April 2021.

⁸⁶ See the submissions of ActionAid and Ariel Foundation International.

⁸⁷ See the joint submission of Amnesty International, CIVICUS, Humanists International and International Service for Human Rights.

⁸⁸ President of the General Assembly, "Special session of the General Assembly in response to the COVID-19 pandemic", 9 March 2021. Available at www.un.org/pga/75/wp-content/uploads/sites/100/2021/03/PGA-letter-Summary-of-UNGASS-on-COVID-19.pdf.

popular support should be added to the agenda of the General Assembly or the Security Council.⁸⁹

60. The second proposal is the creation of a United Nations Parliamentary Assembly or World Parliamentary Assembly that allows for the inclusion of elected representatives in the agenda-setting and decision-making of the United Nations. The assembly would act as a representative body and watchdog, connecting the people with the United Nations and reflecting a broad diversity of global viewpoints.⁹⁰ As highlighted by the former mandate holder, who similarly voiced his support to the initiative, this proposal has been under discussion for decades and was defended by former Secretary-General Boutros Boutros-Ghali. It could be established by a vote of the General Assembly under article 22 of the Charter, or on the basis of a new international treaty, followed by an agreement linking it to the United Nations.⁹¹

61. Another long overdue multilateral reform is the reform of the Security Council. On 23 March 2020, the Secretary-General made an important plea for a global ceasefire in all parts of the world to give full priority to the fight against the COVID-19 pandemic. Since then, this call has been endorsed by 180 countries, regional organizations, civil society organizations and millions of global citizens.⁹² However, the Independent Expert notes with dismay that it took more than three months for the Security Council, through the adoption of its resolution 2532 (2020), to adhere to this fundamental call, which the Independent Expert finds troubling. He is of the opinion that this is yet another manifestation of the need to reform the Security Council with a view to making it more democratic, representative, effective, transparent and accountable, in order to align it with the realities of today. In this regard, he supports the repeated calls for reform made over the years by various interlocutors, including his predecessor,⁹³ and the latest call made by the President of the General Assembly in May 2021 during a high-level Security Council debate on upholding multilateralism.⁹⁴ The President of the General Assembly holds the view that the most appropriate platform to pursue such reform is within the framework of the intergovernmental negotiations on Security Council Reform.⁹⁵ It is imperative that the long-standing issues pertaining to the use of the veto, an enlarged and more representative composition of the body, and the meaningful participation of non-State actors, including civil society, be tackled decisively.⁹⁶

62. Another United Nations organ that needs to be reformed is the Economic and Social Council, which has undertaken several reviews over the decades. Issues of concern include overlapping jurisdictions, lack of coordination between the Council's committees, and decentralized financing.⁹⁷ It is important that the Council be strengthened in order for it to be a key player in the pandemic recovery.

63. The Independent Expert also supports a reform of the international financial institutions in order to expand and strengthen the level of participation of developing countries with a view to achieving democratic and inclusive decision-making in such institutions, which is one of the core components of a democratic and equitable international order.⁹⁸ The current pandemic and the economic recovery make this claim all the more legitimate.

⁸⁹ We the Peoples, "Call for inclusive global governance".

⁹⁰ Ibid.

⁹¹ A/68/284, paras. 23–25 and A/HRC/37/63, para. 55.

⁹² United Nations, "Now is the time for a collective new push for peace and reconciliation", 23 March 2020.

⁹³ A/68/284, para. 46.

⁹⁴ United Nations, "Security Council upholds role of multilateralism in a complex world", 7 May 2021.

⁹⁵ See www.un.org/pga/75/2021/01/25/intergovernmental-negotiations-on-security-council-reform/.

⁹⁶ Stimson Center, *Beyond UN75: a Roadmap for inclusive, Networked and Effective Global Governance* (Washington, D.C., June 2021).

⁹⁷ Ibid.

⁹⁸ See the submission of Cuba. This is an issue that the expert was briefed on when meeting with the Director of the Intergovernmental Group of Twenty-Four on International Monetary Affairs and Development in Washington, D.C., in May 2019.

64. Finally, the Independent Expert supports the call for a 2023 World Summit on Inclusive Global Governance, which he sees as a good opportunity to provide the impetus to tackle the above-mentioned challenges and initiate the proposed reforms.⁹⁹

IV. Conclusions and recommendations

65. In this time of great upheaval, where the very concept of multilateralism is under significant threat, and with a virus that keeps mutating and does not stop at borders, it is essential that renewed multilateralism be embraced, with a more effective and more inclusive approach, in order to respond to and recover from the COVID-19 pandemic, with people and respect for human rights at the centre of this process. Such an endeavour necessitates the global leadership and coordination of a robust and adequately funded United Nations, and the full commitment and sustained engagement of Member States, international financial institutions, the private sector and, last but not least, civil society, which is a key ally in this struggle.

66. The momentum gathered within the General Assembly, the Human Rights Council and the World Health Assembly around the existential threat of the pandemic and the need to fully and unequivocally embrace multilateralism, international cooperation and solidarity as the sole way to defeat the pandemic should sustain and ultimately prevail.

67. Such an unwavering multilateral commitment is indeed needed to overcome other ongoing global challenges, first and foremost climate change, and to face future pandemics, possibly of a greater magnitude, which will undoubtedly come in the not-so-distant future.

68. The pandemic presents an opportunity for the world to be better prepared next time and to build back better and more resilient, while achieving a democratic and equitable international order. It should be seized decisively.

69. In the spirit of continuing the constructive dialogue that he has held with various stakeholders since the beginning of his tenure, the Independent Expert wishes to offer the following general recommendations, in addition to the various observations made in the report.

70. The Independent Expert recommends that Member States, in their individual capacity and as members of intergovernmental institutions and bodies, undertake to do the following:

- (a) Bridge the Access to the COVID-19 Tools Accelerator funding gap, in relation to all pillars, as soon as possible;
- (b) End vaccine nationalism and vaccine diplomacy practices;
- (c) Make greater efforts to donate doses to COVAX to meet the set targets;
- (d) Agree to a waiver to the TRIPS Agreement to ensure timely access to affordable medical products, including vaccines and medicines, as soon as possible;
- (e) Lift bans on exporting raw materials for the production of vaccines;
- (f) Take urgent action on the recommendations of the Independent Panel for Pandemic Preparedness and Response, in particular the adequate funding and empowering of WHO;
- (g) Fully support the One Health approach of WHO;
- (h) Should the drafting of a pandemic treaty be decided, ensure that a wide, open and genuine consultation process occurs in the framework of the World Health Assembly, including all Member States, regional international organizations and, importantly, civil society, including from the global South, free from pressure from the pharmaceutical industry, and ensure that the treaty is firmly grounded in international

⁹⁹ Stimson Center, *Beyond UN75*.

human rights law, with a focus on groups most at risk, including women and girls, children and young people, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, indigenous peoples and minorities, migrants, refugees and asylum seekers;

(i) Make the necessary changes to the proposed global tax reform so that all countries, including those from the global South, can get their fair share as a result of that process;

(j) Establish a global fund for social protection, and contribute to it substantively;

(k) Introduce an emergency universal basic income;

(l) Lift all unilateral coercive measures that obstruct the humanitarian responses of sanctioned States;

(m) Adopt the United Nations draft declaration on human rights and international solidarity;

(n) Make their financial contributions to the United Nations on time;

(o) Ensure a safe environment that is conducive to the important work of civil society;

(p) Treat civil society actors as essential partners in the response to the pandemic and other global challenges, and increase or, at the very least, maintain their funding;

(q) Establish a United Nations civil society envoy, a World Citizen's Initiative mechanism and a United Nations Parliamentary Assembly or World Parliamentary Assembly;

(r) Ensure the effective and meaningful participation of civil society and young people in multilateral consultation processes, including by enabling their remote participation;

(s) For those hosting multilateral institutions, facilitate the timely issuance of visas to civil society actors;

(t) Ensure that the Committee on Non-Governmental Organizations ends its flawed practices in relation to obtaining consultative status with the Economic and Social Council;

(u) Reform the Security Council to make it more democratic, representative, effective, transparent and accountable;

(v) Reform the Economic and Social Council with a view to strengthening it;

(w) Reform the international financial institutions in order to expand and strengthen the level of participation of developing countries with a view to achieving democratic and inclusive decision-making in such institutions.

71. The Independent Expert recommends that international financial institutions:

(a) Further increase fiscal space for countries impacted by the pandemic through temporary debt suspension, emergency financing, debt restructuring and debt cancellation;

(b) Take all the measures necessary to prevent the misuse of funds allocated on an emergency basis to respond to the COVID-19 crisis;

(c) Ensure that support during the COVID-19 response and recovery will not result in cutbacks in public expenditure.

72. The Independent Expert recommends that pharmaceutical companies and other private sector entities:

(a) **Consent to the waiving of their intellectual property rights to ensure that those who need affordable medical products, including vaccines and medicines, can obtain timely access to them as soon as possible;**

(b) **Utilize the COVID-19 technology access pool for the benefit of countries in dire need of vaccines.**

73. **The Independent Expert recommends that civil society actors:**

(a) **Continue their important work in the response to the pandemic and other global challenges;**

(b) **Continue actively participating, or seeking to participate, in global governance processes.**
