

Participation in global governance spaces:
Questionnaire from the Independent Expert on the promotion of a democratic and equitable international order

Contributions by Conectas Human Rights
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- 1. Please share your experience in exercising, or seeking to exercise, your right to participate in public affairs in one or several of the following global governance groupings/spaces: G7, G20, G77/G24, NAM, BRICS, WEF and BG in terms of:**
 - a. Access;**
 - b. Inclusivity; and**
 - c. Influencing the decision-making process.**

New Development Bank

Conectas joins civil society participation forums at National and International Financial Institutions (IFIs), aiming to raise human rights and social-environmental standards and to elevate the voices of affected communities and their representatives. Our focus lies on the Brazilian National Development Bank and the New Development Bank, but we also make targeted contributions in processes at other IFIs, including the World Bank and the InterAmerican Development Bank.

The BRICS created the New Development Bank with the aim of mobilizing resources for infrastructure and sustainable projects in developing countries and emerging economies. It pledges to be a modern, green and sustainable IFI; yet, civil society organizations (CSOs) have been facing challenges with regards to meaningful participation.

A coalition of CSOs has actively engaged with the NDB since its founding, and the bank has responded by hosting these organizations in an annual civil society meeting, as well as by holding side-meetings with them at NDB Annual General Meetings. These are positive steps, which we value and encourage. However, the lack of institutionalization of these initiatives is a source of concern. Therefore, we have presented the bank with a range of options and models for institutionalized NDB-CSOs dialogue, including an Advisory Board, public consultations and task forces. We have also called the bank to acknowledge the diversity of



civil society, opening up dialogue spaces and taking positive steps to engage local community representatives. Crucially, we have urged the Bank to hold open broad-based consultations on policies and projects. So far, the NDB has not followed up on these suggestions, lagging behind other IFIs on CSO engagement, consultation, and participation.

2. What were the main structural and/or practical obstacles you or your colleagues encountered when participating, or seeking to participate, prior to, during and after decision-making (for instance in terms of shaping the agenda of decision-making processes, participation at an early stage when all options are still open, accreditation, physical and/or online access to forums, issuance of visas, availability of funds, access to information relevant to decision-making processes, etc.)?

New Development Bank

Roadblocks for participation in the decision-making process of the NDB have been: (i) poor access to information; and (ii) lack of consultation on policies and projects. We acknowledge that the NDB is a new institution, which is still developing its policies and practices on transparency and participation. However, projects are already underway and the lack of human resources/capacity/time cannot trump the right of local communities to access information, consultation, and participation.

More specifically, although the NDB has an information disclosure policy, its performance on delivering on transparency goals and standards has been insufficient. Crucial documents like Environmental Impact Assessments and Loan Agreements are not available on the website and sometimes are not accessible to the public at all. Conectas and partner organizations have submitted numerous information disclosure requests, which the Bank either did not respond at all or presented insufficient responses that did not include access to key documents.

Moreover, the NDB has adopted policies and procedures that impact multiple stakeholders without external consultations processes. Conectas has been informed that the information disclosure policy is currently under review and comments are welcome; however, we lack information on the timeframe and the Bank has not published a draft policy that enables CSOs to properly contribute to the future standards.

We also note that participation in CSO-NDB meetings depends on the availability of funds at each CSO, posing a significant financial burden to the organizations, as international travel

among BRICS countries is costly and time-consuming. This further hinders participation from under-represented social groups and directly affected communities. Therefore, we highlight the importance of local consultations and engagement processes.

3. Which improvements do you see as key to secure genuine and meaningful participation in decision-making processes of the aforementioned groupings/spaces, including by the underrepresented parts of society as mentioned above, victims of discrimination and marginalization because of their sexual orientation and gender identity, as well as social movements?

New Development Bank

Following the 2018 NDB - CSO meeting, Conectas and partner organizations made the following recommendations on transparency and interaction with civil society:

| Recommendations made by Civil Society Organizations on Transparency and CSO Engagement |
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| <p>TRANSPARENCY</p> <ul style="list-style-type: none"> • Organization of public and inclusive consultations on the review of existing policies, starting with the information disclosure policy review in 2019. • Accessibility to project documents at all stages of the project cycle on the NDB website in English and the official/national languages of the Bank’s founding member countries. • Disclosure of the Bank’s assessment of country systems, both system-wide and per project. • Publishing all information disclosure requests submitted by CSOs and/or community representatives and the Bank’s responses to the same on the Bank website. <p>INTERACTION WITH CIVIL SOCIETY</p> <ul style="list-style-type: none"> • Acknowledging the diversity of civil society, especially the importance of engagement and consultation with local community representatives to assure sustainable development. • Adopting a time-bound Action Plan for the institutionalization of NDB-Civil Society engagement, enabling the participation of a wider range of stakeholders, including NGOs, academics, women’s groups, trade unions, social movements, affected communities |

Source: Civil Society Communiqué; New Development Bank–Civil Society Meeting; Shanghai, 22 November 2018

4. What has been your experience exercising, or seeking to exercise, your rights to freedom of expression, peaceful assembly, and association in the holding of meetings



of one or several of the aforementioned groupings/spaces and in the margins thereof?

New Development Bank

Conectas has not faced restrictions of freedom of expression, association, and assembly in relation to its work with the New Development Bank.

5. Have you or your colleagues been the subject of reprisal because of your participation, or attempt to participate, in a meeting or activity of one or several of the aforementioned groupings/spaces? If so, please provide information on the type of reprisal, the perpetrator(s), whether you reported the case to the organizers and the relevant authorities, and which action they took to address the situation and prevent reoccurrences (if any).

New Development Bank

Conectas has not faced reprisals in relation to its work with the New Development Bank.

6. In your view, what is the overall impact of the economic and financial policies of the aforementioned groupings/spaces on a democratic and equitable international order?

New Development Bank

The goals of the NDB are key to the development of a more democratic and equitable international order. By mobilizing resources to fill the infrastructure gap in developing countries and emerging economies, the NDB may contribute to advancing SDGs and economic, social and cultural rights in the Global South. We especially welcome the NDB sustainability focus, which if implemented may contribute to spreading the benefits of development without hindering environmental rights and climate policies.

Nevertheless, real sustainable development requires meaningful and institutionalized participation, especially by those who suffer negative impacts of development activities. In particular, access to information is a necessary condition for identifying and acting upon social and environmental risks. Accordingly, CSOs and affected social groups must have access to relevant information, as well as the opportunity to participate in decision-making processes (including project-specific decisions throughout the project cycle). The

effectiveness of these rights conditions both the quality of development policies and their ability to spark positive transformations in the societies where they occur.

7. More broadly, in what way(s) do you see a lack of genuine and meaningful participation and lack of influencing of the decision-making process by the public in global governance grouping/spaces, in general, hampering the realization of a democratic and equitable international order?

Conectas acts in multiple governance grouping spaces with the aim of strengthening the Rule of Law and advancing Human Rights from a Global South perspective. We believe that the participation of CSOs and rights-holders in these spaces is key to the realization of a democratic and equitable international order.

In line with these purposes, we consider that it would be useful to bring to the attention of the Independent Expert the participation scenario at the **Financial Action Task Force (FATF)**.

The Financial Action Task Force is a policy-making body responsible for issuing measures and recommendations for countries to prevent money laundering and for combating the financing of terrorism. Some of these recommendations have affected the work of civil society worldwide.

The engagement and participation of civil society with the FATF has been very limited. Although constructive engagement with the FATF and civil society was key to change the wording of one of the FATF recommendations towards the non-profit sector (Recommendation 8), there is still lack of active participation for civil society to influence its decision-making process more broadly on issues that affect the work of these groups. The FATF holds annually a “Private Sector Forum” that has very limited participation from civil society groups. Also, there are no official channels for submitting contributions to reports elaborated by the FATF. Since the recommendations and decisions established by this group affect directly the work of civil society worldwide, they should establish proper channels of engagement with multiple stakeholders as a way of being more transparent and equitable.