

**BRIEFING NOTE:**

**CHINA AND THE UN ECONOMIC AND  
SOCIAL COUNCIL**

**JULY 2021**

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# TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>5</b>
<b>II.</b>	<b>CHINA’S ROLE IN THE ECONOMIC AND SOCIAL COUNCIL .....</b>	<b>5</b>
	ECOSOC leadership and personnel.....	6
<b>III.</b>	<b>PROMOTING THE BELT AND ROAD AGENDA THROUGH ECOSOC AND ITS AGENCIES.....</b>	<b>8</b>
	Funding the BRI through UN channels .....	10
	Advancing the BRI through UN programming and policy.....	11
	Securing UN political support for the BRI .....	12
<b>IV.</b>	<b>CHINA’S OUTSIZED IMPACTS ON CIVIL SOCIETY PARTICIPATION.....</b>	<b>14</b>
	‘Territorial integrity’ and the restriction on NGO and individual participation.....	14
	Barriers to physical access .....	16
	Accusations of ‘terrorism’ used to exclude and attack critical narratives .....	17
	Growing use of government-organised, non-governmental organisations.....	19
<b>VI.</b>	<b>CHALLENGES TO CHINESE LEADERSHIP, TACTICS AND NARRATIVES.....</b>	<b>21</b>
	Competing for leadership.....	21
	Pushing back in the NGO Committee .....	22
	Tracking the incorporation of CCP language and concepts in UN documents .....	23
<b>VII.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>25</b>



# I. INTRODUCTION

This briefing note is intended to provide background on the role China has carved out for itself in the United Nations Economic and Social Council (ECOSOC) and its subsidiary bodies and agencies.<sup>1</sup>

Established as one of the six main organs of the United Nations, ECOSOC is the locus of debate and decision-making on sustainable development, including tracking the implementation of Agenda 2030.

The briefing note describes one avenue that the Chinese government pursues to exert influence within the UN. In the context of ECOSOC, this includes specifically: ensuring placement of Chinese nationals or favoured third country nationals in key leadership positions; aligning UN resource mobilisation with domestic initiatives, namely the Belt and Road Initiative; and engaging in gatekeeping behaviours to limit or end UN engagement by civil society organisations who do not – or will not – fall in line with Beijing’s politics.

The paper concludes with actions taken to date by, and recommendations for, governments and other stakeholders who wish to ensure that China’s established and growing role in the UN fully promotes and protects human rights and sustainable development. When and where this is manifestly not the case, the recommendations should be considered in light of the development of innovative strategies to uphold principled multilateralism.

## II. CHINA’S ROLE IN THE ECONOMIC AND SOCIAL COUNCIL

ECOSOC is one of the principal organs of the United Nations, composed of 54 members (States) representing the UN’s five regions. ECOSOC’s constellation of commissions, agencies, committees, programmes and funds underpin the UN’s work on sustainable development, including the monitoring of the implementation of Agenda 2030. In addition, ECOSOC is the parent body of the Committee on Non-Governmental Organisations (better known as the ‘NGO Committee’) which is a principal gateway for NGOs wishing to access and deepen engagement with UN human rights bodies and processes.

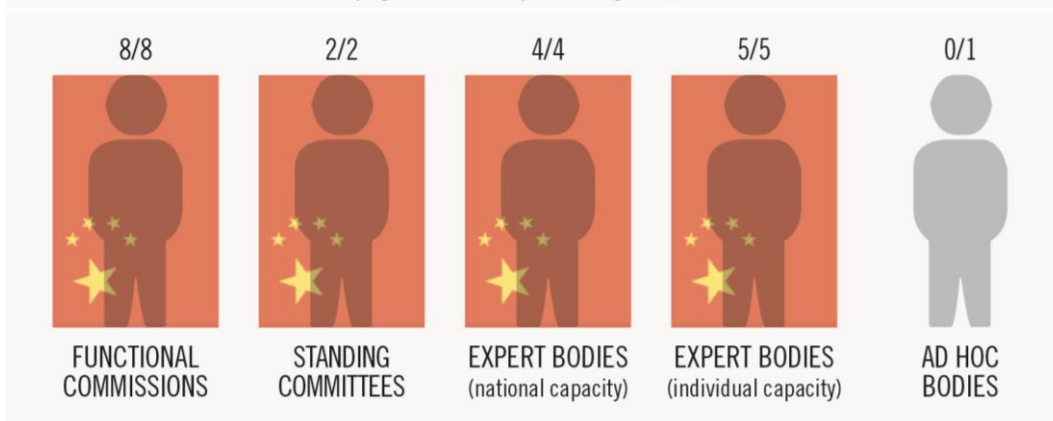
China has consistently been a member of ECOSOC since 1972, when the People’s Republic of China was officially recognised as a full member of the UN. In addition to its ECOSOC membership, China is currently a member of all eight of ECOSOC’s functional commissions, both standing committees, and all four expert bodies composed of governmental experts. There is also a Chinese expert on every ECOSOC expert body composed of members serving in their individual capacity. In fact, the only intergovernmental ECOSOC body of which China is *not* a member is the Ad Hoc Advisory Board on Haiti.

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<sup>1</sup> Author’s note: ‘ECOSOC’ can be pronounced like ‘echo-sock’. Subsidiary bodies of ECOSOC, [https://www.un.org/en/ecosoc/about/pdf/ecosoc\\_chart.pdf](https://www.un.org/en/ecosoc/about/pdf/ecosoc_chart.pdf), accessed 12 July 2020.

## ECONOMIC AND SOCIAL COUNCIL (COMMISSIONS, BODIES AND OTHER ENTITIES)

Note: this excludes regional commissions and research institutes, where membership is not relevant. It also excludes 1) funds and programmes and 2) specialised agencies, which are discussed elsewhere.



The UN Department of Economic and Social Affairs (DESA), embedded in the UN Secretariat, has been led by Chinese nationals for the last thirteen years. UN-DESA provides technical and meetings support to ECOSOC bodies as well as capacity building on a range of development issues to States globally.

In 2018, when interviewed on Chinese television, then Under-Secretary-General for Economic and Social Affairs (USG) and head of UN-DESA Wu Hongbo seemed to indicate that from this position he was able to promote Chinese interests, noting that ‘when it comes to Chinese national sovereignty and security, [Chinese UN officials] will undoubtedly defend our country’s interests’. This statement would seem to violate terms of the UN Charter which seek to insulate UN staff from the influence of Member States.<sup>2</sup>

In the UN’s organisational structure, a range of agencies with dedicated technical mandates (‘specialised agencies’) fall under ECOSOC’s purview. The processes for selecting heads of specialised agencies are notoriously opaque; some of them have been likened to ‘a papal conclave’.<sup>3</sup> This lack of transparency provides States with ample opportunity to exert influence to secure positions.

In the run-up to elections for the head of the Food and Agricultural Organisation (FAO) in 2019, U.S. officials asserted that China threatened to withhold some of its main exports from Argentina, Brazil and Uruguay if they did not support its favoured candidate, Qu Dongyu.<sup>4</sup> Other incidents point to similar use of diplomatic carrots or sticks: earlier in the same election China forgave USD 78 million in debt owed by the Cameroonian government one month before Cameroon withdrew

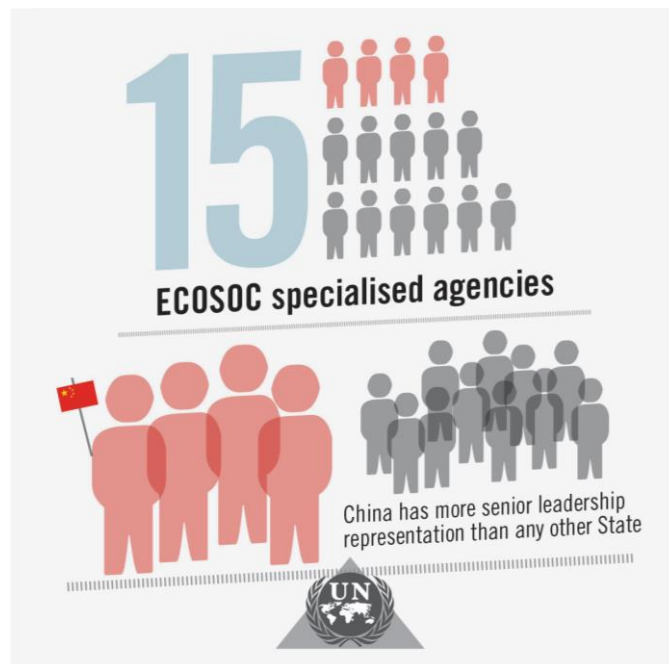
<sup>2</sup> United Nations Charter, Article 100: ‘Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.’

<sup>3</sup> Senior Vice-President at the Centre for Strategic and International Studies Daniel Runde cited in, Mark Magnier, ‘US, China Battle Over Leadership Of UN Intellectual Property Agency’, *South China Morning Post*, 2020, <https://www.scmp.com/news/china/diplomacy/article/3048799/horse-trading-and-arm-twisting-us-battles-china-over>

<sup>4</sup> Courtney J. Fung and Shing-Hon Lam, ‘China Already Leads 4 Of The 15 U.N. Specialized Agencies — And Is Aiming for a 5th’, *Washington Post*, 2020, <https://www.washingtonpost.com/politics/2020/03/03/china-already-leads-4-15-un-specialized-agencies-is-aiming-5th>

the candidate it had presented to run the FAO.<sup>5</sup> India withdrew its candidate on 13 June 2019, ensuring consolidated China+G77 support to Qu and his triumph over an EU-backed candidate in the election ten days later. Such examples reinforce concerns about the way in which China's bilateral relations can be converted into multilateral leverage in favour of plum leadership posts and, along with them, the ability to shift the strategic direction and baseline norms of international institutions.

With Qu's appointment, Chinese nationals currently lead four of the 15 specialised agencies.<sup>6</sup> This is the same as the combined number of leadership positions held by nationals of France, the United Kingdom and the U.S. In other words, China has more senior leadership representation than any other State.



Beijing seems to be taking advantage of these opaque processes not only to place its own nationals, but also to support the appointment of nationals from countries where China carries significant political sway. The election of Tedros Adhanom Ghebreyesus, a former Ethiopian health and foreign affairs minister, as Director-General of the World Health Organisation (WHO) in 2017 followed years of significant Chinese investment in Ethiopia. Reports indicate that Tedros' candidacy was strongly supported by China, as evidenced by generous speaking invitations he received from the Chinese government in March of that year.<sup>7</sup> Many commentators have speculated that the close relationship to China may have negatively impacted the ability of the WHO to effectively carry out its work in the early days and weeks of the COVID-19 pandemic.

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<sup>5</sup> Ibid.; Mark Magnier, 'US, China Battle Over Leadership Of UN Intellectual Property Agency', *South China Morning Post*, 2020, <https://www.scmp.com/news/china/diplomacy/article/3048799/horse-trading-and-arm-twisting-us-battles-china-over>.

<sup>6</sup> These are: the International Civil Aviation Organisation (ICAO), the International Telecommunications Union (ITU), the UN Food and Agricultural Organisation (FAO), and the UN Industrial Development Organisation (UNIDO).

<sup>7</sup> Yanzhong Huang, 'Tedros, Taiwan, and Trump: What They Tell Us About China's Growing Clout in Global Health', *Council on Foreign Relations*, June 7, 2017, <https://www.cfr.org/blog/tedros-taiwan-and-trump-what-they-tell-us-about-chinas-growing-clout-global-health>

UN leadership positions are not the only areas of the bureaucracy where Chinese policies can be advanced. China is currently considered by the UN to be ‘underrepresented’ across staffing in the UN Secretariat; so, too, are Japan, the Republic of Korea, Russia and the U.S.<sup>8</sup> However, anecdotal evidence seems to indicate that there has been increased support by Chinese diplomatic structures to entry-level officials, including Junior Professional Officers (JPOs) and internships, in recent years.

Any individual should be protected from negative discrimination on the basis of national origin, and China’s interests in proportionate representation are fair. Nonetheless, should these UN officials believe – as USG Wu believed – that the interests of the Chinese state are superior to the duties of international civil servants, this could augur additional conflicts of interest in the years to come.

### III. PROMOTING THE BELT AND ROAD AGENDA THROUGH ECOSOC AND ITS AGENCIES

The Belt and Road Initiative (BRI) is a Chinese development framework launched in 2013. It focuses on using infrastructure development and investment as tools to grow the economies of developing and least developed countries and – importantly – to integrate those economies and their outputs into the Chinese domestic market. While at its simplest a scheme for growth-driven overseas development assistance, the BRI has been closely yoked to the global geopolitical ambitions of the Chinese state-party.

At the UN, China’s development agenda (often encapsulated by BRI) has increasingly appeared in stark contrast with a human rights-based approach<sup>9</sup>, undercutting the interdependence of the UN’s development and human rights pillars. The model of development cooperation advanced by China focusses almost exclusively on economic indicators, such as poverty alleviation, industrial upgrading, or trade. It casts economic growth as both the primary desired outcome of development, and as a precondition to the enjoyment of human rights. In other terms, pursuing development may be invoked to justify the abridgment or non-realisation of (certain) international human rights obligations.<sup>10</sup>

The BRI is also a key component of China’s stated aim of ‘the construction of a new type of international relations’<sup>11</sup> that would shift the focus of intergovernmental relationships and, by extension, multilateral organisations towards cooperation exclusively. Such a model for international relations envisions States, not individuals and communities, as the main beneficiaries of development. The risk of prioritising benefits to States is that such cooperative dialogue would downplay the critical importance of scrutiny.

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<sup>8</sup> UN Office of Human Resources. *Geographical Diversity Strategy*. January 2020. [https://hr.un.org/sites/hr.un.org/files/OHR%20Geographical%20Diversity%20Strategy\\_EN\\_0.pdf](https://hr.un.org/sites/hr.un.org/files/OHR%20Geographical%20Diversity%20Strategy_EN_0.pdf)

<sup>9</sup> Andréa Worden, ‘The Human Rights Council Advisory Committee: A new tool in China’s anti-human rights strategy’, *Sinopsis*, August 6, 2019, <https://sinopsis.cz/en/worden-human-rights-council-advisory-committee/#fn36>

<sup>10</sup> Included in ISHR, ‘HRC41 | Civil society presents key takeaways from Human Rights Council’, 12 July 2019. Accessed at <https://www.ishr.ch/news/hrc41-civil-society-presents-key-takeaways-human-rights-council>

<sup>11</sup> For more on this subject see ISHR and Amnesty International analysis, available at [https://www.ishr.ch/sites/default/files/article/files/joint\\_ngo\\_annex\\_on\\_mutually\\_beneficial\\_cooperation\\_-\\_15\\_june\\_2020.pdf](https://www.ishr.ch/sites/default/files/article/files/joint_ngo_annex_on_mutually_beneficial_cooperation_-_15_june_2020.pdf)



This paper cannot and need not provide a full overview of BRI projects, their impacts on Chinese domestic growth and regional integration, and the political ties that often accompany the primarily-economic incentives. Rather, it aims to offer illustrative examples of how the language and concepts of the BRI, as an ideological and economic project – conceived under the leadership of the Chinese government, Chinese Communist Party, and Xi Jinping – have been adopted by the UN, and specifically ECOSOC and its related bodies and agencies, as a flagship development initiative.

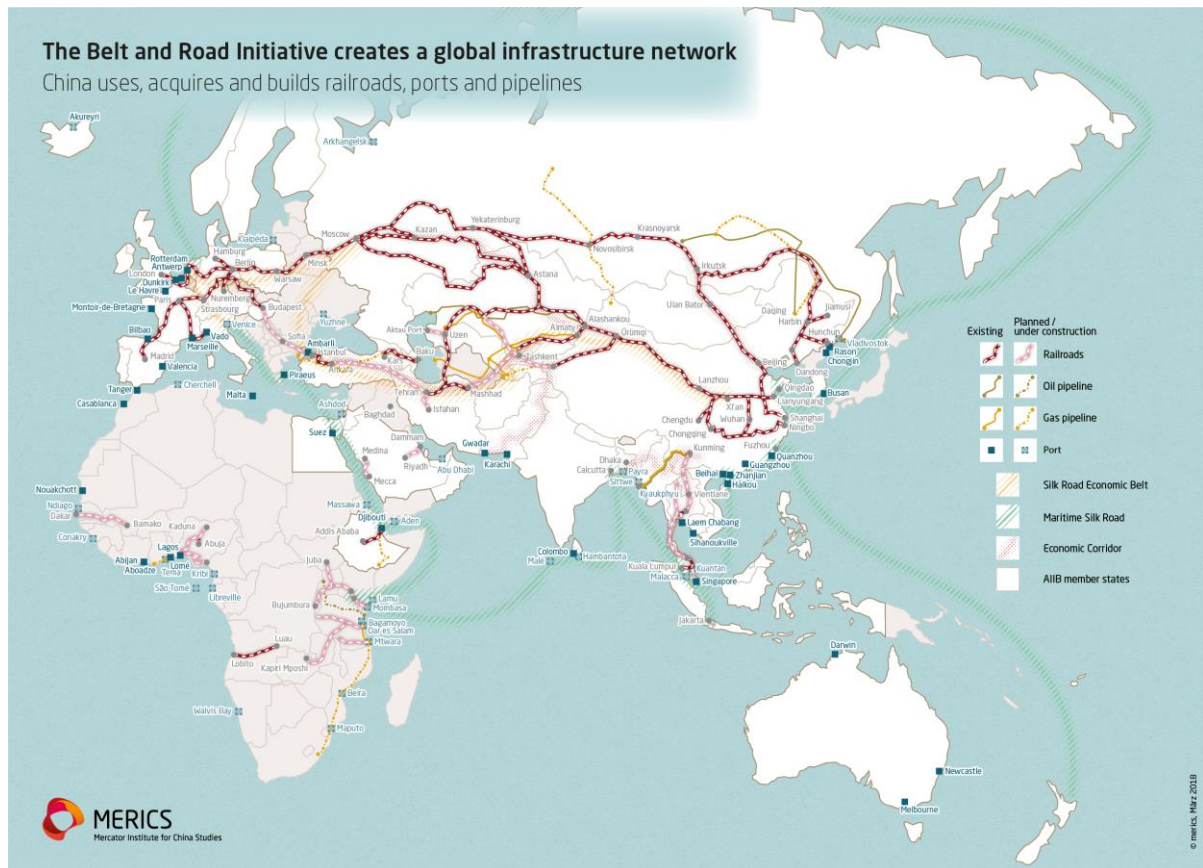


Photo: Mercator Institute for China Studies (MERICS). Map of the the Belt and Road Initiative.

In UN fora, Chinese government officials refer to the BRI as furthering the ‘purposes and principles of the Charter of the United Nations’,<sup>12</sup> and as bolstering development in a way that ‘integrates the purposes and principles of the 2030 Agenda’.<sup>13</sup> At a 2017 ECOSOC-organised high-level panel discussion on advancing progress in sustainable development goals through the BRI, then-USG Wu Hongbo noted that the Initiative was ‘one of the most important international development cooperation initiatives in recent years’, offering ‘tremendous potentials [sic] for advancing [the]

<sup>12</sup> Former member of the Chinese foreign ministry and current UN Under-Secretary-General for economic and social affairs Liu Zhenmin has praised the BRI as advancing the ‘purposes and principles of the Charter of the United Nations.’ Cited in, “Coming Soon To The United Nations: Chinese Leadership And Authoritarian Values”, *Foreign Affairs*, 2019, <https://www.foreignaffairs.com/articles/china/2019-09-16/coming-soon-united-nations-chinese-leadership-and-authoritarian-values>.

<sup>13</sup> The Chinese Vice-Minister of Foreign Affairs and former UN ambassador Ma Zhaoxu has praised BRI as China’s main contribution to bolstering development in a way that ‘integrates the purposes and principles of the 2030 agenda’. (2019 HLPF). Cited in, “Meeting 2030 Agenda Hinges On Creating Stable Societies, Empowered Populations, Delegates Stress, As High-Level Political Forum Concludes”, *United Nations Meetings Coverage And Press Releases*, 2019, <https://www.un.org/press/en/2019/ecosoc7007.doc.htm>. “Coming Soon To The United Nations: Chinese Leadership And Authoritarian Values”, *Foreign Affairs*, 2019, <https://www.foreignaffairs.com/articles/china/2019-09-16/coming-soon-united-nations-chinese-leadership-and-authoritarian-values>.

2030 Agenda'. His successor Liu Zhenmin, China's ex-Vice Minister for Foreign Affairs, has advanced a similar narrative.<sup>14</sup>

Critics, however, see the BRI primarily as a vehicle for advancing China's economic and political interests; intermingling it with UN priorities gives domestic-driven policies an international 'stamp of approval'. This raises questions about whether the UN should, as a multilateral institution, adhere so fully to the policy of a single Member State; and, specifically, whether it should do so when that Member State – through standard-setting<sup>15</sup> and funding<sup>16</sup> – regularly acts to undercut the unity and balance of the UN's 'three pillars' of peace and security, development, and human rights.

## FUNDING THE BRI THROUGH UN CHANNELS

China has combined extensive investment of human resources in ECOSOC and its specialised agencies, outlined above, with massive sums of earmarked extrabudgetary contributions. In this way, it effectively enables the promotion of Chinese government-aligned projects, often managed by Chinese national staffers, in funds and specialised agencies across ECOSOC.

China founded the 'UN Peace and Development Trust Fund', following a ten-year, USD 1 billion pledge officially announced by Xi Jinping at the opening of the UN General Assembly in 2015.<sup>17</sup> Four out of five members of the steering committee, which decides what projects to fund, are current or former Chinese officials, including USG Liu Zhenmin; the fifth member, and as of writing the current chair, is the Chef de Cabinet for UN Secretary-General Antonio Guterres. This provides a direct link between the UN's top leadership and the distribution of Chinese funds to Chinese-approved (and often Chinese-led) UN projects.<sup>18</sup>

The Fund is divided into two sub-funds, the Secretary General's Peace and Security Sub-Fund and the 2030 Agenda for Sustainable Development Sub-Fund. The latter supports projects related to 'developing countries participating in the Belt and Road Initiative', linking this to the UN's work toward the 2030 Agenda. It has funded at least seven projects explicitly linked to the BRI since 2016 and – depending on the project - implemented by UN-DESA, the UN Conference on Trade and Development (UNCTAD), UNDP, UNIDO, ILO and the UN Office on Drugs and Crime (UNODC).<sup>19</sup> Partnering organisations to these projects include regional commissions, other UN agencies and bodies, development banks (e.g., the Asia Infrastructure Investment Bank and the African Development Bank) and Chinese ministries and policy bodies.<sup>20</sup>

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<sup>14</sup> Current USG for Economic and Social Affairs, fellow Chinese national and former member of China's foreign ministry Liu Zhenmin continues to advance the narrative that the BRI serves 'the purposes and principles of the Charter of the United Nations.'

<sup>15</sup> In 2017, China initiated a process at the UN Human Rights Council to assess 'the contributions of development to human rights'. State and NGO critics asserted – and continue to assert – that this risks undermining the principle of universality stated in the Vienna Declaration and Programme of Action. For more information:

<https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/DevelopmentEnjoymentAllHR.aspx>

<sup>16</sup> Lynch, Colum. 'At the U.N., China and Russia Score Win in War on Human Rights', 26 March 2018. *Foreign Policy*. Accessed at <https://foreignpolicy.com/2018/03/26/at-the-u-n-china-and-russia-score-win-in-war-on-human-rights/>

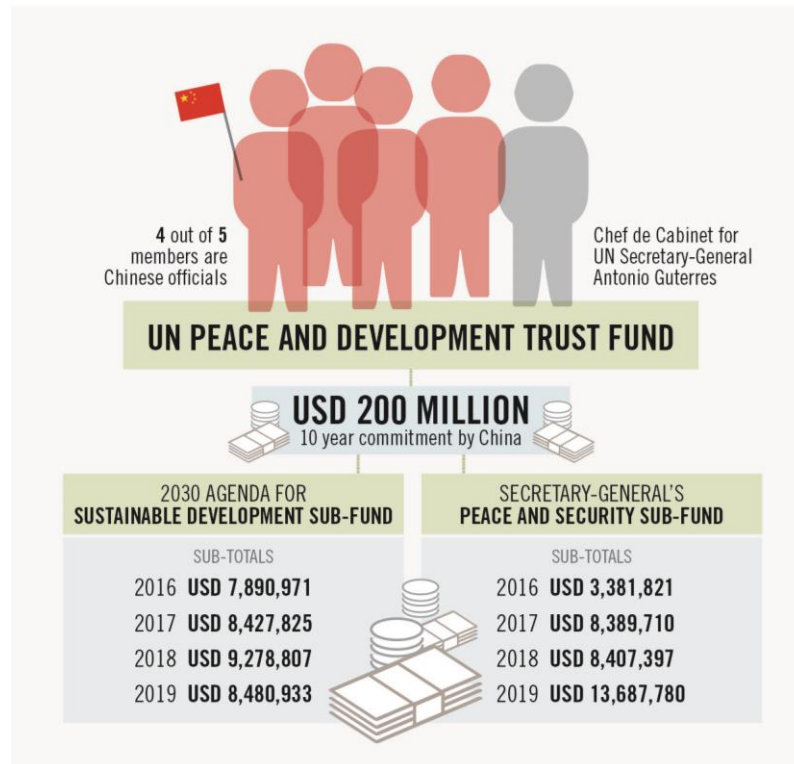
<sup>17</sup> United Nations General Assembly, 70<sup>th</sup> session debate records, 28 September 2015. Accessed at <https://gadebate.un.org/en/70/china>

<sup>18</sup> United Nations Peace and Development Trust Fund, <https://www.un.org/en/unpdf/2030asd.shtml>, accessed 12 July 2020.

<sup>19</sup> Ibid.

<sup>20</sup> For example, projects partnered with the Chinese Ministry of Transport; State Information Center; Center for International Knowledge Development of the Development Research Center of the State Council.

The connection between these efforts is perhaps most clear in a 2017 document prepared by Hong Pingfan, then-head of the Development Policy and Analysis Division of UN-DESA, titled ‘Strengthening national policy capacity for jointly building the Belt and Road towards the Sustainable Development Goals’.<sup>21</sup> The analysis was funded by the UN Peace and Development Trust Fund and prepared for the first Belt and Road Forum for International Cooperation, hosted in Beijing in May 2017. As of now, Hong holds a similar position in UN-DESA.



## ADVANCING THE BRI THROUGH UN PROGRAMMING AND POLICY

Direct contributions to UN agencies have also provided a means to steer agency priorities in the direction of the BRI, whether in substantive or geographic focus. The following provide a few illustrative examples.

- The China Trust Fund was created by China in 2012, in partnership with the **UN Environment Programme** (UNEP), and involved a commitment to contribute USD 2 million annually for six years to build capacity in the Global South. In Phase II (2016-2018), specific goals included, among other things, the sharing and exchange of ‘theory and practice on green development and contributing to the progress in building a green Belt and Road’.<sup>22</sup>

<sup>21</sup> ‘Strengthening national policy capacity for jointly building the Belt and Road towards the Sustainable Development Goals’, *UN Secretariat*, [https://www.un.org/en/unpdf/assets/pdf/PDF-SDG-2016-02%20cdas\\_beltandroadb.pdf](https://www.un.org/en/unpdf/assets/pdf/PDF-SDG-2016-02%20cdas_beltandroadb.pdf)

<sup>22</sup> UNEP, <https://www.unenvironment.org/about-un-environment/funding/china-trust-fund>

- **UNICEF**, in its 2017 report on China, notes that ‘China’s increased attention to South-South cooperation invited UNICEF China and others to promote the Sustainable Development Goals (SDGs), particularly in countries of the Belt and Road Initiative (BRI)’.<sup>23</sup> USD 11 million in Chinese funds support this work.<sup>24</sup>
- **UNIDO**, headed since 2013 by former Chinese Vice-Minister of Finance Li Yong, received USD 600’000 in funding from China over 2015-2019 for work along the ‘Maritime and Continental Silk Road’.<sup>25</sup> A similar-sized grant was provided for the period 2017-2021, titled ‘BRIDGE for cities - Belt and Road Initiative: Developing green economies for cities’; the primary counterpart was the Hong Kong-based Finance Center for South-South Cooperation (FC-SSC). Through a separate ‘Partnership Trust Fund’ – China has disbursed USD 1.2 million since 2018 for projects on ‘Inclusive and sustainable industrial development’.<sup>26</sup>

The above examples are by no means exhaustive, but do demonstrate how programming by these and other UN agencies, underwritten by Chinese funding, is explicitly aligned with the BRI. As of 2017, according to available documentation, some 25 UN agencies have a memorandum of understanding (MOU) or other formal commitment to involve themselves in the BRI. This widespread alignment between agencies’ funding priorities and the vision of the BRI articulated by the Chinese government shows China’s success in harnessing international support for a Chinese government policy push, arguably to an extent unmatched by any other UN Member State.<sup>27</sup>

## SECURING UN POLITICAL SUPPORT FOR THE BRI

While MOUs alone can be downplayed as mere words on paper, the political recognition by UN agency leaders has been crucial in establishing the BRI’s legitimacy and, by extension, Chinese influence on agency policy. In 2017, just a few months after his election, WHO Director Tedros praised the BRI for improving access to health care and echoed China’s call for a ‘Health Silk Road’ to promote the Chinese model for health care in ‘Belt and Road countries’.<sup>28</sup> In 2018, UNICEF Executive Director Henrietta Fore declared, at the 2018 Belt and Road Forum, that the ‘organisation can be a critical partner for China as it extends its Belt and Road Initiative’.<sup>29</sup> UN Women head Phumzile Mlambo-Ngcuka led a high-level delegation to China in December 2018, which included planning for collaboration on South-South cooperation and UN Women’s involvement in the BRI.<sup>30</sup>

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<sup>23</sup> UNICEF, *UNICEF Annual Report 2017: China* (UNICEF, 2017), [https://www.unicef.org/about/annualreport/files/China\\_2017\\_COAR.pdf](https://www.unicef.org/about/annualreport/files/China_2017_COAR.pdf), accessed 13 July 2020

<sup>24</sup> *Ibid.*

<sup>25</sup> Database accessible via the UN Industrial Development Organisation (UNIDO), <https://open.unido.org>, accessed 2 December 2020

<sup>26</sup> *Ibid.*

<sup>27</sup> UNEP, *UN Agencies Belt And Road Initiative Involvement* (UNEP), accessed 28 June 2020, <http://wedocs.unep.org/bitstream/handle/20.500.11822/26318/UN%20Agencies%20BRI%20Involvement%2002%20%2801%20Oct%202018%29.pdf?sequence=17&isAllowed=y>

<sup>28</sup> *Belt And Road High Level Meeting For Health Cooperation: Towards A Health Silk Road*, 2017, <http://en.nhc.gov.cn/Beltandroadforumforhealthcooperation.html>

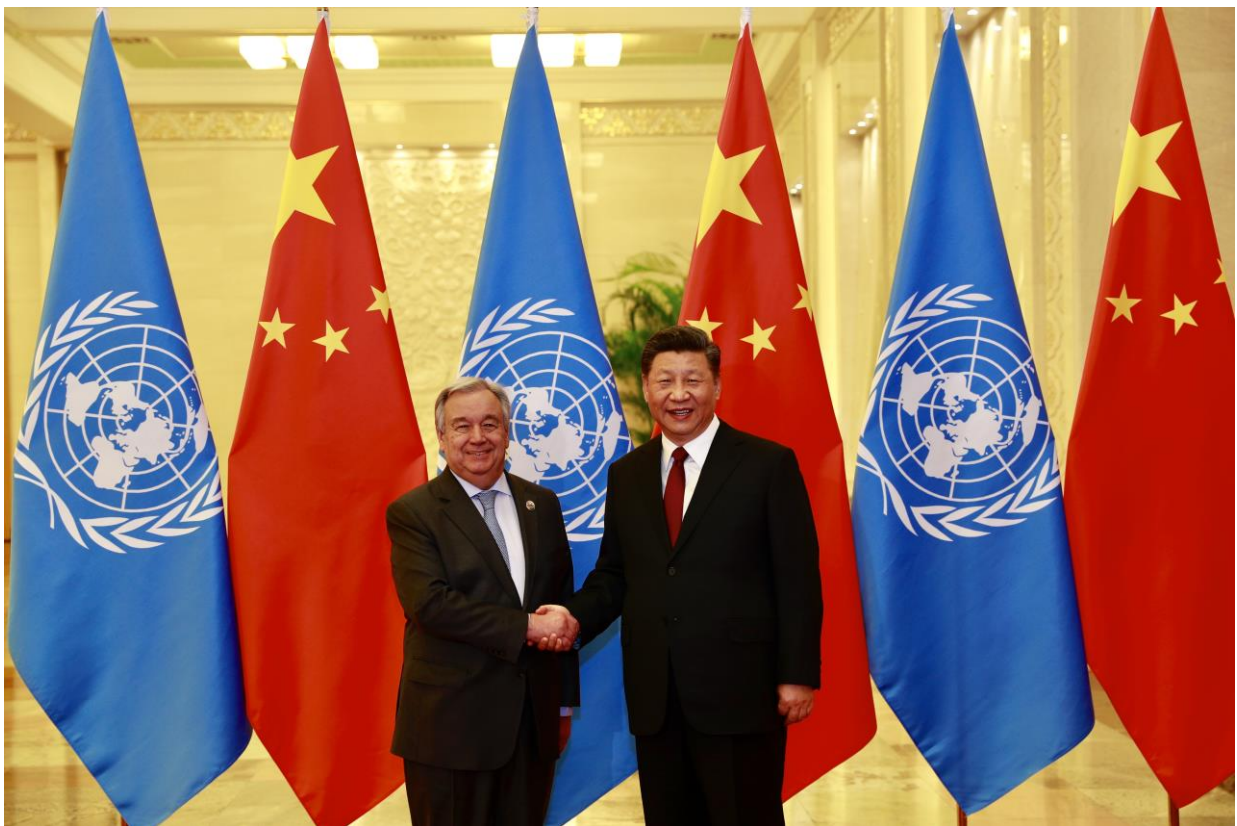
<sup>29</sup> UNICEF, ‘Belt and Road Initiative and 2030 Agenda for Sustainable Development’, 13 June 2018, <https://www.unicef.org/press-releases/henrietta-fore-unicef-executive-director-high-level-symposium-belt-road-initiative>

<sup>30</sup> UN Women, UN Women Executive Director visits China, 11 December 2018, <https://www.unwomen.org/en/news/stories/2018/12/announcer-ed-phumzile-to-visit-china>



Support for the BRI has been expressed even at the highest levels in the United Nations. UN Secretary General Guterres noted in April 2019 that ‘the world will benefit from a Belt and Road Initiative that accelerates efforts to achieve the Sustainable Development Goals’.<sup>31</sup> He went on to note that ‘United Nations country teams stand ready to support Member States in capacity – and governance-building, and in achieving a harmonious and sustainable integration of the Belt and Road projects in their own economies and societies in accordance with national development plans, anchored in the 2030 Agenda for Sustainable Development’.<sup>32</sup>

Given this background, it should not be surprising that there has also been a growing uptake of phrases allied with the promotion of the BRI, through concepts such as ‘mutually beneficial’ or ‘win-win’ cooperation and ‘a community of shared future for mankind’, in other areas of the UN.<sup>33</sup> From their origins as part of the political vision of Xi Jinping, both the BRI and its accompanying rhetoric have been gradually adopted by UN agencies and their leadership – often, it would seem, with their financial and political futures in mind – and later by diplomatic negotiators in the UN’s resolutions and high-level statements.



*Photo: UN System in China/ ZHAO Yun. Chinese President Xi Jinping and United Nations Secretary General Antonio Guterres in 2019.*

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<sup>31</sup> UN press release, ‘United Nations Poised to Support Alignment of China’s Belt and Road Initiative with Sustainable Development Goals, Secretary General Says at Opening Ceremony’, 26 April 2019, <https://www.un.org/press/en/2019/sqsm19556.doc.htm>

<sup>32</sup> Ibid.

<sup>33</sup> For more details on these efforts, see ISHR and Amnesty International’s joint analysis, available at <https://www.ishr.ch/news/hrc43-vote-mutually-beneficial-cooperation-resolution-highlights-divisive-nature-chinese> or the recently released *Decoding China Dictionary* from the Raoul Wallenberg Institute, accessible at [https://rwi.lu.se/wp-content/uploads/2021/03/Decoding-China-Publication\\_FINAL.pdf](https://rwi.lu.se/wp-content/uploads/2021/03/Decoding-China-Publication_FINAL.pdf)

These documents are then, in turn, employed by Chinese state media<sup>34</sup> and diplomats to promote the notion of China as a champion of multilateralism to audiences abroad, and to vaunt China's leadership to audiences at home.<sup>35</sup> This poses concerns because such language, rather than reaffirming universal rights and the full range of state responsibilities in the UN's founding documents, is regularly used to obscure critique, restrict the role of international bodies, and advocate 'a return to the primacy of national rights over the rights of the individual'.<sup>36</sup>

## **IV. CHINA'S OUTSIZED IMPACTS ON CIVIL SOCIETY PARTICIPATION**

China has been a member of the ECOSOC Committee on Non-Governmental Organisations (or NGO Committee) since 1995. This committee is tasked with reviewing requests from civil society organisations seeking 'consultative status' with the UN and assessing whether accredited organisations continue to promote the UN Charter. Membership of the NGO Committee provides China with the means to significantly influence decisions on which NGOs get recommended for UN consultative status – in other words, which NGOs would have a standing right to attend a range of UN fora, conferences, and meetings – and which NGOs do not.

The Chinese representative on the Committee directs sharp inquiries toward independent human rights organisations, or burden-shares the practice with other allied Committee members.<sup>37</sup> In the worst cases, the delegation to the NGO Committee has baselessly accused accredited NGOs and applicant NGOs of having terrorist sympathies.<sup>38</sup> Repeated, frivolous, vexatious or perpetual questioning and unfounded allegations of terrorist sympathies by the NGO Committee have been denounced by the UN Special Rapporteur on freedom of peaceful assembly and association as constituting a form of reprisal.<sup>39</sup>

The NGO Committee has been dominated by States that use their membership to delay and block applications for accreditation. Unfortunately, this is not unusual – and China is not the only State to use the Committee as a means to silence and intimidate NGOs. The predominance of States with poor track records in regard to civil society participation means that individual States can act safely in the knowledge that they are in the majority and generally shielded from a level of criticism that could effect changes in their behaviour.

## **'TERRITORIAL INTEGRITY' AND THE RESTRICTION ON NGO AND INDIVIDUAL PARTICIPATION**

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<sup>34</sup> 'Why President Xi strongly advocates building community with shared future', *Xinhua Net*, September 22, 2020, [http://www.xinhuanet.com/english/2020-09/22/c\\_139388123.htm](http://www.xinhuanet.com/english/2020-09/22/c_139388123.htm).

<sup>35</sup> See also below in the section on 'Challenges to China in ECOSOC'.

<sup>36</sup> Bandurski, David. 'The Future of Common Destiny'. Accessible at <https://www.echo-wall.eu/state-mind/future-common-destiny>

<sup>37</sup> For example, in the case of the Justice Centre Hong Kong, Pakistan, Cuba and Burundi (all G77 members) have asked questions of the organisation since it first applied in January 2018, asking one question after another about specific project breakdowns rather than the organisation's alignment with the UN Charter.

<sup>38</sup> ISHR, '[NGO Committee: Accusations of Terrorism Remain Unretracted](#)'

<sup>39</sup> For example, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 'The exercise of the rights to freedom of peaceful assembly and of association in the context of multilateral institutions.' A/69/365.

China consistently demands the use of what it calls ‘correct’ UN terminology in regard to Taiwan<sup>40</sup> and Tibet<sup>41</sup> by NGO applicants seeking accreditation. Any accredited or applicant NGO referring to Taiwan or Tibet in terms that China considers inappropriate – in the most extreme cases, even when citing the official names of other civil society organisations – will be told ‘to use the correct United Nations terminology’ as a condition of approval.<sup>42</sup> The three footnotes in this paragraph represent the case in point.

In 2019, 49 NGO applications were deferred for referring to Taiwan, instead of ‘Taiwan, Province of China’ in their submitted documents or on their websites.<sup>43</sup> NGO applicants have also been requested by China to confirm Chinese sovereignty verbally and publicly, during live Q&A sections of NGO Committee sessions. This was the case, for example, for the Trustees of the University of Pennsylvania in 2016.<sup>44</sup>



Photo: UN Photo/Manuel Elias. Committee on Non-Governmental Organizations 2019 regular session.

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<sup>40</sup> The authors recognise that the terminology ‘Taiwan, Province of China’ is the official name for the region as determined by the government of the People’s Republic of China, and reflected in UN documents. This includes the advice on ‘correct names of Member States and United Nations terminology’ provided by UN DESA to NGOs seeking accreditation via the NGO Committee (See: <https://csonet.org/?menu=85#5>). This term is not mentioned in the UN GA resolution 2758, adopted on 25 October 1971, which recognised that the ‘representatives of the government of the People’s Republic of China are the only lawful representatives of China to the United Nations’. As late as 2002, the government of the PRC used the term ‘Taiwan’ in its *note verbale* on UN matters (see: <http://undocs.org/A/57/420>).

<sup>41</sup> The authors recognise that the terminology ‘Tibetan, Autonomous Region of China’ is the official name for the region as determined by the government of the People’s Republic of China and reflected in official UN documents.

<sup>42</sup> JSHR own data. Over the last sessions of the Committee on NGOs (January 2019, June 2019 and January 2020) an average of 36% percent of its questioning has been directed toward terminology employed by NGO applicants

<sup>43</sup> JSHR own data. Data from 2020 is not representative, given the impact of COVID-19 on the work of the UN.

<sup>44</sup> Economic and Social Committee on NGOs, ‘Non-Governmental Organizations Committee Recommends 19 Groups for Consultative Status, Postpones Action on 66 in Third Day of Session’, NGO Committee Session, May 25, 2016.

China defends these demands with appeals to the respect of sovereignty and territorial integrity, insisting that 'all non-governmental organizations seeking consultative status meet such standards', e.g., that their speech and expression respect the boundaries clearly articulated by the Chinese State and reified through its influence in political bodies.<sup>45</sup> As a result, NGO applicants whose work may have nothing to do with China find that their UN accreditation hangs on abiding by China's views of its sovereignty over both Tibet and Taiwan.

## BARRIERS TO PHYSICAL ACCESS

As a concrete extension of this policy, Taiwanese passport-holders are effectively excluded from UN spaces, both in-person and, increasingly, online. Recent changes to the internal processing procedures have limited the range of acceptable identification documents, meaning that – despite a generic stated request for 'valid government-issued photo identification' from a Member or Observer State – the current practice is to accept only passports. As a result, any individual without nationality of a Member or Observer State – a Taiwanese or Kosovar or a stateless person, for example – is effectively excluded from UN premises.<sup>46</sup>

Denial of access has been imposed as a function of growing Chinese influence, or walked back as periodic cross-Strait détente. Historically, Taiwanese NGOs were able to participate in UN conferences in the 1990s but this changed in 2007, when Chinese diplomat Sha Zukang became UN Under-Secretary-General for Economic and Social Affairs. A later improvement in cross-Strait relations led to holders of R.O.C. (Taiwan) passports and other IDs issued by Taiwanese authorities being able to again access UN spaces,<sup>47</sup> while in 2014 deteriorating relations reversed the trend a second time, resulting in both UN grounds passes and visitors' passes being denied.<sup>48</sup> To restate the dynamic, changes in the atmosphere between Beijing and Taipei lead to either increased or decreased fervour with which linked policies – including perceived acceptance of Taiwan's status by international organisations – are advanced by authorities in Beijing in other spaces, including the UN.

As of writing, a R.O.C. passport holder cannot visit the UN, whether as a tourist or as an independent expert, without also showing additional documentation (*taibaozheng*) which must be requested from and issued by mainland Chinese authorities. Some Taiwanese human rights activists have raised concerns about the discretionary and discriminatory approach taken by Chinese officials in the application and approval process of the *taibaozheng*, raising questions about the fairness of this restriction on access. Regardless of the fact that Taiwan does not have any formal recognition as a UN member or observer, the restriction on participation of private individuals, many with residences in and lasting ties to UN Member States, could constitute a form of discrimination on the basis of origin or, at minimum, a gap in universal rights protections for some 23 million R.O.C. passport holders.

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<sup>45</sup> Speech of the Chinese delegate during a debate on NGO participation at the 2017 ECOSOC coordination segment meeting, from ISHR documentation.

<sup>46</sup> According to the UN website: 'All visitors 18 years and older (and unaccompanied children 12 years and older) are required to present a valid government-issued photo identification issued by a Member State or an Observer State of the United Nations to enter UN Headquarters. The photo identification must be original (no photographs or photocopies accepted), in Latin/Roman characters, and may include a passport, driver's license or national identity card,' as accessed in January 2021 at <https://visit.un.org/content/frequently-asked-questions-0>. However, in practice many NGOs report being told that only a passport is acceptable; the United Nations Office in Geneva accepts only passports and national identity cards issued by Schengen states.

<sup>47</sup> Sigrid Winkler. 'Taiwan's UN dilemma: To be or not to be?', 20 June 2012, <https://www.brookings.edu/opinions/taiwans-un-dilemma-to-be-or-not-to-be/>

<sup>48</sup> ISHR confidential interview.



## ACCUSATIONS OF ‘TERRORISM’ USED TO EXCLUDE AND ATTACK CRITICAL NARRATIVES

China has repeatedly sought to exclude or silence rights activists, including ethnic Uyghurs such as the President of the World Uyghur Congress, Dolkun Isa, in UN spaces and fora. Its foreign policy institutions – Chinese UN missions and diplomats, the Ministry of Foreign Affairs of the PRC, and English-language state media outlets like Global Times – use inflammatory language and debunked allegations to intentionally cast these activists as ‘terrorists’ (often paired with, and conflated with, ‘separatists’). When this discourse is powerful enough – or when there is no State willing to point out the lack of evidence and the political motivation – it can result in the removal of individuals with critical views and the ‘scrubbing’ of independent political and human rights critiques from official UN proceedings.

In April 2017, Dolkun Isa was expelled by UN security guards from the UN Permanent Forum on Indigenous Issues held at the UN headquarters in New York, despite being an accredited NGO participant. Isa was provided with no explanation for his expulsion. The following April, a similar attempt was made to expel Isa from the Forum but it was prevented by a reported intervention by Germany and the U.S.<sup>49</sup>



*Photo: Minority Rights Group. Dolkun Isa attending the Indigenous Peoples' Forum, 2017.*

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<sup>49</sup> Unrepresented Nations and Peoples Organisation, Press Release: UNPO Vice President Finally Admitted to UN Indigenous Forum, 26 April, 2018, <https://unpo.org/article/20769>

The following month, China used its membership of the NGO Committee to seek to withdraw ECOSOC accreditation from the Society of Threatened Peoples (STP), a German NGO, on the basis that it had enabled Isa – who they accused of terrorism – to participate in the Forum. States, including Germany and the U.S., made strong statements rejecting China's accusations, but Isa himself was not given an opportunity to respond. With the Committee session webcast live, the accusations made against him during the session were widely disseminated and never retracted.

Whilst China ultimately withdrew its attempt to secure the withdrawal of STP's accreditation, it made clear that its original position – including its accusations against Isa – 'remains unchanged'. It also stated that it would 'closely monitor STP's activities in the UN including in the Human Rights Council' to ensure, amongst other things, that the organisation 'refrain from appointing any terrorist as its representative'.<sup>50</sup> The Society for Threatened Peoples was effectively put on notice, as was any organisation that might look to ally itself with an individual China may call a 'terrorist'. China continued to pursue Isa, challenging his right to speak and reiterating unfounded accusations against him at the 2019 Forum. Germany and the U.S. once again spoke out to defend his right to speak.<sup>51</sup>

Later that year, a group of UN Special Procedures wrote to China, asserting that the allegations against Isa were unsubstantiated.<sup>52</sup> Isa's case was also raised as a reprisal in the UN Secretary-General's report on cooperation with the UN, its representatives and mechanisms in the field of human rights (the 'Reprisals Report') in both 2019 and 2020.<sup>53</sup> Details of Chinese government replies to these allegations are not available. Although a formal reply was received by the OHCHR, it has not been translated and posted publicly, a break from the standard practice for handling communications between the UN's experts and a government.<sup>54</sup> The Assistant Secretary General (ASG) for Human Rights, who is the senior UN official responsible for reprisals, does not disclose the original text of communications with States, but merely summarises the exchange. Cause for concern, and consistent with the 'pattern of reprisals' the ASG identified in her 2020 report, remains: ad hominem attacks against Isa by a Chinese diplomat in a formal event have been documented as recently as May 2021.

In some ways, the efforts of the Chinese authorities described above have been stymied: STP continues to hold ECOSOC accreditation; Isa and other representatives of the World Uyghur Congress continue to attend UN conferences and other fora; and the government has been challenged on these obligations by independent human rights experts. However, the confusion sown by official government discourse has had a chilling impact on organisations who could be allies to Uyghur groups as well as on governments approached by Uyghur groups for briefings; the UN itself has not meaningfully stepped in to set the record straight. This can pose a challenge to anyone seeking broader awareness and mobilisation of stakeholders to call for accountability of China for its policies toward Uyghurs and other minorities.

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<sup>50</sup> Report of the Committee on Non-Governmental Organizations on its 2018 resumed session, New York, 21 May to 30 May and 11 June 2018, E/2018/32 (Part II).

<sup>51</sup> 'Lack of Political Will Overshadow Vital Improvements for Indigenous Communities Despite Gains on Land, Language, Legal Rights, Delegates Tell Permanent Forum', United Nations, *Meetings Coverage and Press Releases*, 1 May, 2019, <https://www.un.org/press/en/2019/hr5436.doc.htm>

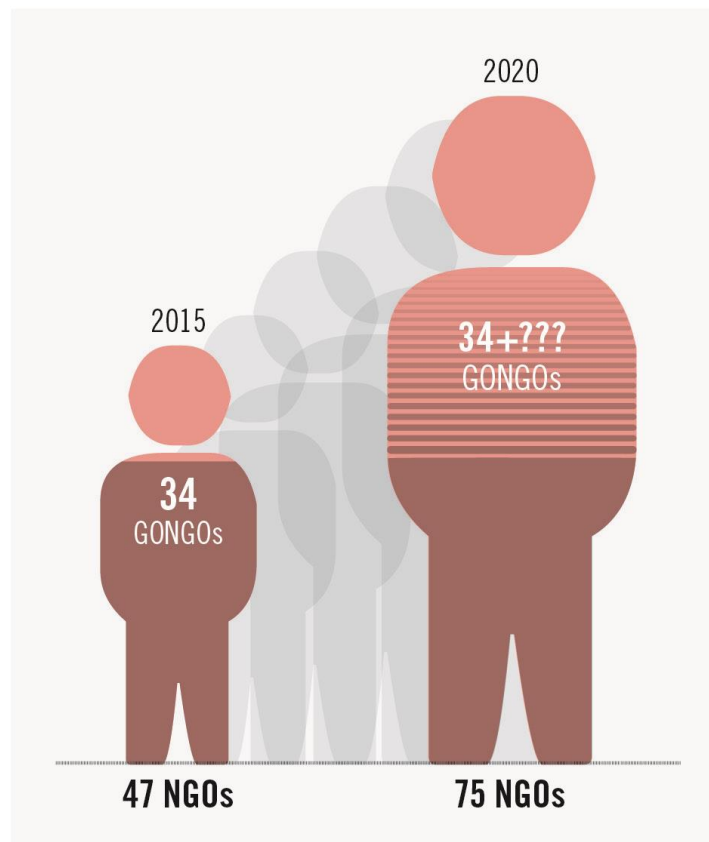
<sup>52</sup> Michael McCaul, 'The United States Can't Cede the U.N. To China', *Foreign Policy*, 2019, <https://foreignpolicy.com/2019/09/24/the-united-states-cant-cede-the-u-n-to-china/>

<sup>53</sup> See UN Secretary General reports A/HRC/42/ and A/HRC/45/36.

<sup>54</sup> <https://spcommreports.ohchr.org/TmSearch/Results?page=25>

## GROWING USE OF GOVERNMENT-ORGANISED, NON-GOVERNMENTAL ORGANISATIONS

The NGO Committee provides states with the opportunity to block some civil society actors, but also to promote others, including government-sponsored, controlled or aligned organisations posing as independent NGOs. These entities are commonly known as GONGOs. In 2015, Reuters reported that of 47 accredited NGOs from mainland China, Hong Kong and Macau operating in UN spaces, at least 34 of those were GONGOs, having a current or former government or party official as their director, or oversight by Communist party bodies or government ministries.<sup>55</sup> From 2016 until the time of writing, an additional 28 NGOs from mainland China, Hong Kong and Macau were accredited.<sup>56</sup>



It is not clear how many have explicit ties to the Communist party or government, but at least one – the Finance Center for South-South Cooperation Limited, accredited in 2017, is headed by individuals with ties to the Banking Regulatory Commission and the State Council Leading Group Office of Poverty Alleviation.<sup>57</sup> Whilst the presence of GONGOs at the UN is not new, nor a uniquely 'Chinese' phenomenon, the use of 'coordinated interference by diplomats and delegates

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<sup>55</sup> Wee, Sui-Lee, and Nebehay, Stephanie, 'At U.N., China uses intimidation tactics to silence its critics,' *Reuters*, 6 October 2015: <https://www.reuters.com/investigates/special-report/china-softpower-rights/>

<sup>56</sup> ISHR own data, via <https://esango.un.org>

<sup>57</sup> Ibid.

from Beijing-backed non-governmental organisations' has been described by Reuters as a 'signature Chinese tactic' within UN human rights mechanisms.<sup>58</sup>

GONGOs can play several roles: intimidating other, independent NGOs and human rights defenders engaging with the UN; dominating available speaking time to exclude independent NGO speakers; and promoting narratives that complement those of States that they support. In one case, human rights defender Ti-Anna Wang was photographed without consent during a session of the Human Rights Council by a member of a Chinese GONGO, the China Association for Preservation and Development of Tibetan Culture.<sup>59</sup> After reporting the threatening behaviour to UN security, the representative of the GONGO was removed from the Council premises. However, additional steps were not taken proactively by governments to prevent future incidents. A robust response could have included raising this privately to the Human Rights Council President; noting concerns publicly, in writing or in plenary; and seeking to engage in follow-up with the responsible UN offices with the aim of preventing such acts of intimidation.

The control or domination of increasingly-limited NGO speaking time by Chinese GONGOs is of growing concern to many NGOs. The adoption of China's Universal Periodic Review in March 2019 saw NGO speaker lists dominated by GONGOs who 'uncritically endorse China's record while not allowing any opportunity for independent China groups to participate in any government consultation or make submissions without fear of reprisals'.<sup>60</sup> In 2019, 2020 and 2021, Chinese organisations with ECOSOC accreditation used limited speaking time to defend China's policies, for example with respect to Hong Kong, or make thinly-veiled comments disparaging speakers from other, independent accredited NGOs. On rare occasions, organisations without explicit ties to China – such as the European Union for Public Relations – have used their accreditation to UN fora to parrot Chinese government talking points, including in defence of policies under international scrutiny.<sup>61</sup>

China's success in shepherding handpicked organisations through the NGO Committee has paid off, from their point of view. The UN record includes a growing number of statements and submissions from GONGOs that are extremely hortatory towards Chinese state policies, at times outweighing the statements from independent, credible human rights organisations or from Chinese victims of human rights violations. Stories filed by state media outlets and interventions from accredited GONGOs contribute to a state-backed narrative about China's so-called positive contributions to the work of the UN human rights system, reaching both domestic and foreign audiences. All the while, in-person participation for Chinese human rights defenders has become an increasingly fraught experience, as defenders grapple with perceived and real risks to livelihoods and security for themselves, their colleagues and their families.

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<sup>58</sup> Wee, Sui-Lee, and Nebehay, Stephanie, 'At U.N., China uses intimidation tactics to silence its critics,' *Reuters*, 6 October 2015: <https://www.reuters.com/investigates/special-report/china-softpower-rights/>

<sup>59</sup> University of Oxford, Tibet Justice Center and the Unrepresented Nations and Peoples Organisation (UNPO). 2020, 'Compromised Space Bullying And Blocking As The UN Human Rights Mechanisms'. Unrepresented Diplomats Project. <http://www.tibetjustice.org/wp-content/uploads/2019/07/2558.pdf> ; Human Rights Watch, 'The Costs Of International Advocacy: China's Interference In United Nations Human Rights Mechanisms', 2017.

<sup>60</sup> Human Rights Watch. 'UN: China Responds to Rights Review with Threats,' 2019. <https://www.hrw.org/news/2019/04/01/un-china-responds-rights-review-threats#>. Speaker lists for NGOs are done on a 'first come, first served' basis; according to ISHR review of documents housed on the Council's Extranet, of the first 20 organisations slated to speak at the UPR adoption, 15 could be considered GONGOs. Of those that ultimately delivered statements to the Council, six of ten were GONGOs; the remaining speakers were international NGOs.

<sup>61</sup> <http://webtv.un.org/search/item4-general-debate-contd-27th-meeting-43rd-regular-session-human-rights-council/6140216917001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=10#player>, from March 2020, starting at 2:09:00.

## VI. CHALLENGES TO CHINESE LEADERSHIP, TACTICS AND NARRATIVES

The above documented efforts by China, taken as a whole, demonstrate a systemic approach to exerting influence in the UN for the purposes of weakening principles of universality, limiting the critical role of civil society, and advancing the agenda of the Chinese Communist Party. As such, they have increasingly drawn attention from other UN Member States. The following provide a few limited examples of successful responses to some of China's actions and influence within ECOSOC bodies.

### COMPETING FOR LEADERSHIP

China has not been successful in every attempt to lead a UN agency. For example, China's proposed candidate for Director-General of the World Intellectual Property Organisation (WIPO), Wang Binying, would have been the fifth Chinese national to lead an agency.<sup>62</sup> Wang visited countries across Europe, Africa and Asia aiming to increase support for her candidacy,<sup>63</sup> and China's embassies reportedly offered jobs and investment in exchange for votes.<sup>64</sup> Ultimately, after an allegedly aggressive diplomatic campaign to counter these efforts, led by the U.S., Singapore's candidate Daren Tang was appointed the new director-general of WIPO in May 2020.<sup>65</sup>

The outcomes do not always run counter to China's interests. In the May 2019 ECOSOC session, the U.S. unsuccessfully sought to challenge China's nominee for the Permanent Forum for Indigenous Issues, Zhang Xiao'an. The U.S. pointed to Zhang's previous efforts to exclude Uyghur activist Dolkun Isa from the Forum session (see above), while the Chinese delegate retorted that the U.S. was 'defaming' China and repeated allegations linking Isa to a terrorist group. Zhang was ultimately elected to serve, nominally in his personal capacity.

The breadth of Chinese government investment in the UN means that such efforts to respond cannot be *ad hoc* in nature. Over the period 2019-2020, despite the renewed energy by most Western government in identifying elections where the Chinese government may seek to exert undue influence, China was (re)elected in its government capacity to the Executive Boards of UN Children's Fund (UNICEF), UN Development Programme (UNDP), UN Population Fund (UNFPA), UN Office for Project Services (UNOPS) and UN Women.<sup>66</sup>

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<sup>62</sup> 'Proposed Candidates For Nomination To The Post Of Director General Of WIPO', in *WIPO Coordination Committee Seventy-Seventh (27Th Extraordinary) Session*, (2020), [https://www.wipo.int/edocs/mdocs/govbody/en/wo\\_cc\\_77/wo\\_cc\\_77\\_2\\_rev.pdf](https://www.wipo.int/edocs/mdocs/govbody/en/wo_cc_77/wo_cc_77_2_rev.pdf).

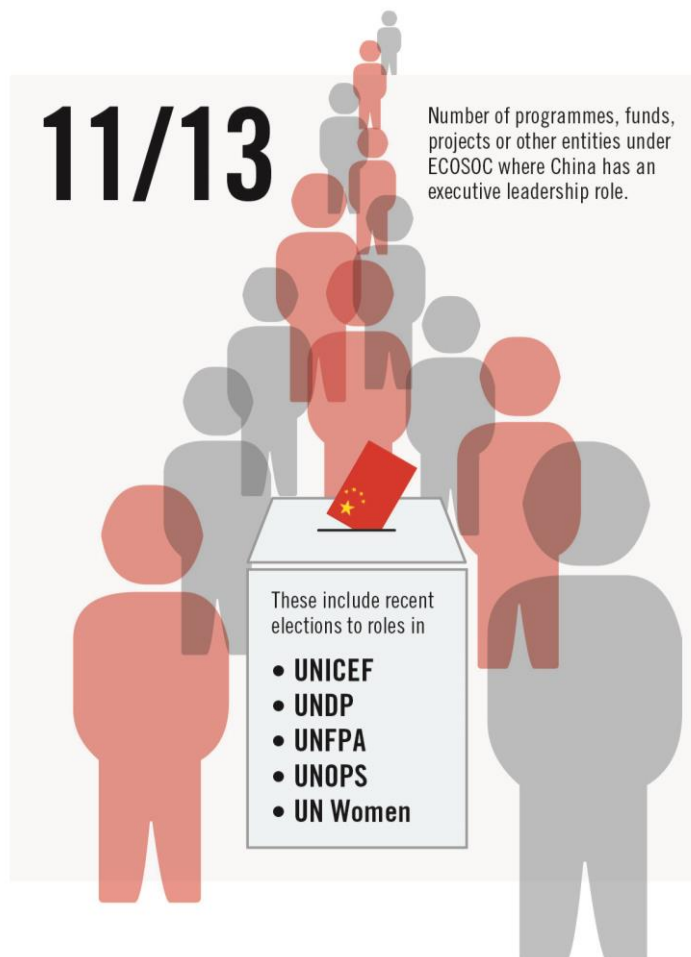
<sup>63</sup> Mark Magnier, 'US, China Battle Over Leadership Of UN Intellectual Property Agency', *South China Morning Post*, 2020, <https://www.scmp.com/news/china/diplomacy/article/3048799/horse-trading-and-arm-twisting-us-battles-china-over>.

<sup>64</sup> Courtney J. Fung and Shing-Hon Lam, 'China Already Leads 4 Of The 15 U.N. Specialized Agencies — And Is Aiming for a 5th', *Washington Post*, 2020, <https://www.washingtonpost.com/politics/2020/03/03/china-already-leads-4-15-un-specialized-agencies-is-aiming-5th/>.

<sup>65</sup> Nick Wadhams, 'U.S.-China Feud Ensnarers Obscure UN Intellectual Property Agency', *Bloomberg*, 2020, <https://www.bloomberg.com/news/articles/2020-02-16/u-s-china-feud-ensnarers-obscure-un-intellectual-property-agency>; 'Daren Tang Of Singapore Appointed As WIPO Director General', *WIPO*, 2020, [https://www.wipo.int/pressroom/en/articles/2020/article\\_0011.html](https://www.wipo.int/pressroom/en/articles/2020/article_0011.html).

<sup>66</sup> 'Economic and Social Council Elects Members to 15 Subsidiary Bodies, Nominates 7 Candidates for Programme, Coordination Committee', *UN Meetings Coverage and Press Releases*, 7 May 2019, <https://www.un.org/press/en/2019/ecosoc6979.doc.htm>

Media reports hint at growing discomfort among UN Member States at the extent of Chinese leadership, and the persistence with which Beijing seeks high-level positions in the organisation. But as the examples above show, direct actions to lobby against China’s ambitions have been largely limited to the U.S., making it hard to know whether that discomfort arises from a desire to preserve the integrity of the international system, or simply accompanies a willingness to back ‘containment’ efforts within the broader contours of a U.S.-China rivalry.



## PUSHING BACK IN THE NGO COMMITTEE

States, including the U.S., have challenged China on its insistence on the use of terminology that confirms its sovereignty over Tibet and Taiwan. For example, the U.S. made a veiled reference to China in the January 2020 NGO Committee session, arguing that – pursuant to the Universal Declaration of Human Rights, the NGO Committee’s mandate and an opinion from the Office of Legal Affairs – an NGO’s use of such terminology does not place their commitment to the UN Charter in question. Rather, they argued that ‘(i)nsisting on the use of alternative terminology would have the effect of censoring NGOs and stifling civil society voices’ at the UN.<sup>67</sup>

Despite this, in that same January 2020 session, China continued to block 17 applications on the basis of ‘correct UN terminology’. The U.S. only intervened to challenge this on one further

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<sup>67</sup> U.S. Mission to the UN in New York, ‘Opening Remarks at a UN General Assembly Meeting for the UN Committee on Non-Governmental Organizations’, 20 January 2020, accessed at <https://usun.usmission.gov/opening-remarks-at-a-un-general-assembly-meeting-for-the-un-committee-on-non-governmental-organizations/>



occasion during the session when a U.S. organisation – the National Committee on American Foreign Policy – was challenged.<sup>68</sup> It was noticeable that no other State, member or observer, spoke up in support of the U.S. position.

Finally, there have been some efforts to limit the number of Chinese GONGOs accredited, which would decrease the likelihood that NGO statements and side events echo official Chinese policy and provide platforms to semi-official government or party representatives. At the January 2020 session, 12 Chinese NGO applications were considered: two were accredited, while ten were asked questions and, therefore, had decisions on their accreditation postponed.<sup>69</sup>

For example, since it first applied in January 2019, the U.S. has consistently blocked the application of the Silk Road Chamber of International Commerce, an organisation dedicated to promoting the BRI and ‘win-win’ cooperation. The U.S. similarly questioned the Zhongguancun Belt and Road Industrial Promotion Association when its application was considered in May 2019 and January 2020. Notably, this appears to be a position the U.S. has adopted in recent years that facilitates the blocking NGOs that appear to advance China’s UN agenda.

## TRACKING THE INCORPORATION OF CCP LANGUAGE AND CONCEPTS IN UN DOCUMENTS

The High-Level Political Forum on Sustainable Development is the annual forum for States to report on their progress toward the Sustainable Development Goals. The Forum had previously passed consensus resolutions that praised and indeed encouraged signature Chinese initiatives like the ‘Silk Road Economic Belt’ and the ‘Twenty-first Century Maritime Silk Road’. Whilst a consensus resolution doesn’t necessarily indicate wholehearted support, it does indicate that no State at the time of the adoption considered that a ‘red line’ had been crossed, or took issue with the prominence afforded Chinese-led economic cooperation projects.

In July 2018, there was a change. The U.S. proposed an amendment to replace the words ‘mutually beneficial cooperation’ with ‘international cooperation’ in the ministerial-level declaration of the Forum.<sup>70</sup> The U.S. argued that ‘the terms “win-win cooperation” and “mutually beneficial cooperation” have been promoted interchangeably by a single Member State to insert its domestic policy agenda in UN contexts’<sup>71</sup> and that no state should support ‘incorporating language targeting a domestic political audience into multilateral documents’.<sup>72</sup> This was an obvious swipe at China, and followed a debate earlier that year in the UN Human Rights Council about this terminology. The U.S. further noted that the terms ‘have come to be synonymous with a model of development that is dangerous to the future of sustainable development and the Sustainable Development Goals’ and that ‘“mutually beneficial cooperation” increasingly appears to refer to a model of development cooperation that comes at the cost of well-established development best practices’.<sup>73</sup>

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<sup>68</sup> UN press coverage, ‘Continuing Regular Session,’ 27 January 2020, <https://www.un.org/press/en/2020/ngo905.doc.htm>

<sup>69</sup> ISHR own data.

<sup>70</sup> ‘High-Level Political Forum On Sustainable Development Overwhelmingly Adopts Ministerial Declaration By 164 Votes In Favour, 2 Against’, *United Nations Meetings Coverage And Press Releases*, 2018, <https://www.un.org/press/en/2018/ecosoc6943.doc.htm> ; See UN Document: E/HLPF/2018/L.3

<sup>71</sup> Kelley Currie, ‘Explanation Of Vote On A High-Level Political Forum Ministerial Declaration’, *United States Mission to the United Nations*, 2018, <https://usun.usmission.gov/explanation-of-vote-on-a-high-level-political-forum-ministerial-declaration/>.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

The U.S.'s amendment was rejected by a vote of 107 to 50, with Norway, the Republic of Moldova and Seychelles abstaining.<sup>74</sup> In a first-time vote for the adoption of the ministerial declaration overall, only the U.S. and Israel continued to oppose.<sup>75</sup> During the course of the debate, China reiterated its main talking points: that 'any issues that emerged must be resolved by moving globalisation forward, producing win-win outcomes' and that 'all countries should take a mutually beneficial approach, safeguarding the multilateral trading system and free trade'.<sup>76</sup>

In 2019, following the diplomatic negotiations of the previous year, the Declaration text was ultimately changed. It does not refer to 'mutually beneficial cooperation', although the paragraph on 'solving challenges through international cooperation and enhancing global partnership' refers to the need 'to respect the territorial integrity and political independence of states'.<sup>77</sup>

This pointed toward a major shift in support for Chinese-advanced terminology. In June 2020 in Geneva, a Chinese-led resolution on 'mutually beneficial cooperation' was once again considered by the Human Rights Council. Continuing the pushback demonstrated in New York, statements from Australia, the Czech Republic on behalf of the EU, and Uruguay raised concerns about the lack of an agreed definition for the concept; a contradiction with the principle of universality of rights; and a weak connection to the protection and promotion of the human rights of individuals.<sup>78</sup>

Ultimately, the Czech Republic called for a vote, and 16 members of the Council voted 'no'. Although the resolution was adopted, it was done so with one of the smallest margins of support for a thematic resolution in the Council's history.<sup>79</sup>

RESUMED HRC 43 <sup>rd</sup> SESSION			L.33/Rev.1 - Promoting mutually beneficial cooperation in the field of human rights		
ABST	AFGHANISTAN	NO	DENMARK	YES	PAKISTAN
YES	ANGOLA	YES	ERITREA	ABST	PERU
YES	ARGENTINA	ABST	FIJI	YES	PHILIPPINES
ABST	ARMENIA	NO	GERMANY	NO	POLAND
NO	AUSTRALIA	NO	INDIA	YES	QATAR
NO	AUSTRIA	YES	INDONESIA	NO	REPUBLIC OF KOREA
ABST	BAHAMAS	NO	ITALY	YES	SENEGAL
YES	BAHRAIN	NO	JAPAN	NO	SLOVAKIA
YES	BANGLADESH	ABST	LIBYA	YES	SOMALIA
YES	BRAZIL	NO	MARSHALL ISLANDS	NO	SPAIN
NO	BULGARIA	YES	MAURITANIA	YES	SUDAN
YES	BURKINA FASO	YES	MEXICO	YES	TOGO
YES	CAMEROON	YES	NAMIBIA	NO	UKRAINE
ABST	CHILE	YES	NEPAL	NO	URUGUAY
NO	CZECH REPUBLIC	NO	NETHERLANDS	YES	VENEZUELA (BOLIVARIAN REPUBLIC OF)
NO	DEMOCRATIC REPUBLIC OF CONGO	YES	NIGERIA		

Photo: UN Webcast. Votes of MBC, June 2020.

<sup>74</sup> 'High-Level Political Forum On Sustainable Development Overwhelmingly Adopts Ministerial Declaration By 164 Votes In Favour, 2 Against', *United Nations Meetings Coverage And Press Releases*, 2018, <https://www.un.org/press/en/2018/ecosoc6943.doc.htm>

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> The Political Declaration of the SDG Summit, dated 2 June 2019 and accessible at <https://www.un.org/pga/73/wp-content/uploads/sites/53/2019/07/Unbroken-silence-HLPF-Political-Declaration.pdf>

<sup>78</sup> Via the Human Rights Council Extranet, 43rd session, Oral Statements on 19 June 2020. Accessed 10 December 2020.

<sup>79</sup> ISHR. 'Deja vu all over again at the Human Rights Council'. 5 October 2020. At <https://www.ishr.ch/news/deja-vu-all-over-again-human-rights-council>



## VII. CONCLUSIONS AND RECOMMENDATIONS

To UN Member States, throughout their UN engagement:

- Advocate for the inclusion of language in resolutions that properly reflects norms and standards of international human rights law, and resist the development, use or abuse of terms which do not advance human rights, or which undermine principles of universality, indivisibility and interdependence.

To UN Member States, in the context of ECOSOC and other relevant bodies:

- Invest resources in ensuring that human rights priorities are reflected in debates at ECOSOC and inform policy-related actions.
- Seek enhanced transparency over the management of country-led funds to ensure the greatest alignment of those programmes with universal human rights standards.
- Ensure that Member State-backed candidates for leadership positions are truly independent, and disclose any efforts to provide privileged treatment or platforms for candidates throughout their candidacy, irrespective of their nationality.
- Backed by a strong track record of being supportive of civil society, consider stepping forward as a candidate of the NGO Committee
- Push for term limits for NGO Committee members.
- Take further steps to ensure the practice of the NGO Committee is fair, transparent, non-discriminatory, expeditious and apolitical, such as calling on the NGO Committee to clearly explain the grounds on which applications for accreditation are to be assessed.
- Be prepared to reject recommendations of the NGO Committee to defer NGO applications for consultative status when it is clear there is no good reason for deferral, and push the Committee to conclude scrutiny of an application, through means such as virtual question and answer sessions with applicant NGOs, when questions have already been asked of the applicant over four or more sessions.
- Actively support the applications for consultative status of independent NGOs committed to universal human rights and actively scrutinise the applications of those that appear to be controlled by or strongly aligned with governments or which do not support universal human rights.

To UN Member States, in the context of overall civil society access to the UN:

- Make it standard practice to ensure the best possible conditions for the engagement of civil society in UN meetings and conferences, including by identifying potential logistical or administrative barriers to participation.
- Ensure that access to UN grounds and events is granted fairly and transparently, with the aim of facilitating engagement of all individuals, and in line with the preamble, purposes and principles of the UN Charter.
- Ensure that any UN Member State-led efforts to enhance efficiency, fairness and transparency around access to UN grounds and events do not, inadvertently, have the impact of creating additional hurdles for marginalised groups to participate.

To the UN Secretariat and funds, bodies and technical agencies, and UN officials:

- Ensure that access to UN grounds is granted fairly, equitably and in line with the purposes and principles of the UN Charter.

- Ensure that access to UN grounds and events is not denied arbitrarily, and that processes relating to access are transparent.
- Within the framework of existing MOUs with China on the Belt and Road Initiative (BRI):
  - Undertake regular reviews of projects, whether solely or jointly led by UN bodies or agencies, to ensure that stated efforts to improve sustainable development in the context of the BRI are having a positive impact, or at minimum not resulting in negative human rights impacts, in the project-affected communities.
  - Where negative impacts may occur, ensure that the relevant funds, agencies or bodies provide opportunities for remedy or redress for victims and transparently report on the status of any cases.
- When considering ongoing or future support to BRI-linked projects:
  - Boost capacity to engage with independent civil society organisations, scholars and activists who are monitoring the evolution and role-out of the BRI.
  - Conduct due diligence to determine whether project partners, including public authorities and private entities, have been linked to allegations of serious human rights violations or abuses, including but not limited to the Xinjiang Uyghur Autonomous Region.
  - Ensure that any public statements in the context of BRI-related activities are well-researched and independently drafted, and include a meaningful focus on the interlinkage of universal human rights to sustainable development, and that high-level political engagement includes explicit reference to concerns about the human rights situation throughout the country, in line with recommendations of the UN Special Procedures.<sup>80</sup>

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<sup>80</sup> Office of the High Commissioner for Human Rights. 'UN experts call for decisive measures to protect fundamental freedoms in China', 28 June 2020. Accessed at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>





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