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

Report of the independent expert on human rights and international solidarity, Rudi Muhammad Rizki

Summary

The present report is divided into two sections. In the first, the independent expert presents a summary of the answers to the questionnaire on human rights and international solidarity sent to States, United Nations departments and bodies, specialized agencies, other international organizations, non-governmental organizations and special procedures mandate holders of the Human Rights Council. In the second, the expert identifies salient elements of a conceptual and normative framework for human rights and international solidarity, drawing from the above responses and his review and observations, and highlights significant areas of focus and emerging approaches in international cooperation.

To conclude, the independent expert underlines the value and significance of international solidarity in an interdependent world, and how it may eventually guide the progressive development of international law on human rights and international solidarity.

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I. Introduction

1. In its resolution 2005/55, the Commission on Human Rights appointed the independent expert on human rights and international solidarity to study the issue of human rights and international solidarity, to prepare a draft declaration on the right of peoples to international solidarity, taking into account outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and seeking views and contributions from Governments, United Nations agencies, relevant organizations and non-governmental organizations, and to report annually on the progress made in the fulfilment of the mandate.

2. The mandate of the independent expert was renewed by the Human Rights Council in its resolution 7/5 for a period of three years.

3. The Council, in its resolution 12/9, requested the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization.

4. On 7 May and 20 October 2009, the independent expert distributed a questionnaire on human rights and international solidarity (see annex) to Member States, United Nations departments and bodies, specialized agencies, other international organizations and non-governmental organizations, as well as special procedures mandate holders of the Council. The present report contains a summary of the answers to the questionnaire, identifies salient elements of a conceptual and normative framework drawing from the responses and his review and observations, and highlights significant areas of focus and emerging approaches in international cooperation. In concluding the report, the independent expert underlines the value and significance of international solidarity in an interdependent world, and how it may eventually guide the progressive development of international law on human rights and international solidarity.

II. Responses to the questionnaire on human rights and international solidarity

5. Responses to the questionnaire were received from Bolivia (Plurinational State of), Brazil, Colombia, the Czech Republic (on behalf of the European Union), El Salvador, Guyana, Iraq, Montenegro, Senegal, Serbia, Slovenia, Suriname and Tunisia; the Egyptian National Council for Human Rights, the National Human Rights Committee of Qatar and the Parliament Commissioner for Human Rights of Ukraine; the United Nations departments and bodies, specialized agencies and other international organizations, the Food and Agricultural Organization of the United Nations, the United Nations Interregional Crime and Justice Research Institute and the United Nations World Tourism Organization; the non-governmental organizations, the Amman Centre for Human Rights Studies, the Association Comunita Papa Giovanni XXIII, the International Association of Schools of Social Work and New Humanity; and the special procedures mandate holders of the Council, the independent expert on the situation of human rights in Somalia, Shamsui Bari.

A. International solidarity as a principle of international law

6. International solidarity is perceived by virtually all respondents as a principle, and by several as a right in international law. One respondent cited the statement that “the

nation which is free from egoism and is aware of its duties as well as its rights and does not only take advantage of benefits, but meets the obligations and the risks of solidarity, discovers in itself an unexpected capacity for expansion that enriches its individuality and, at the same time, turns this new capacity into a means of progress for other nations”.¹ Many viewed international solidarity as the cornerstone of our responsibility to humanity and entry point for building a better society, and as a glue for social cohesion and guarantee against marginalization, exclusion and excessive disparities. Preserving the order and the very survival of international society should be based on the principle of solidarity and mutual assistance, particularly in the face of natural disasters, poverty, terrorism or post-conflict situations. There is a large gap between assertions of international solidarity in theory and their reflection in practice.

7. The view was expressed that the world is driven by the profit motivation of the market, where human values are fast declining, giving rise to inequities within and between countries. On the other hand, a society based on solidarity is rooted in social justice and human dignity, where a person has a value for being, rather than having or producing. The fact that more than 1 billion people suffer from poverty and hunger is an indicator that, as the human race, we are failing to live as one family. The multiple global crises make the relevance of solidarity phenomenal, and present an opportunity for world leaders to recognize international solidarity as an inescapable necessity. Since solidarity has been described as the tenderness of the people, it is a key to the implementation and interpretation of human rights. It entails the negation of selfishness, in favour of a global world vision, across all borders and distinctions, and therefore has no space for discrimination in any form. The universal value of solidarity requires global issues to be addressed collectively in a way that ensures that costs and duties are equitably shared.

8. Some described international solidarity as a superior right that includes or supports all other rights, and as a value embodied in principles that serve the human person, that also contributes to the autonomy, independence, economic and social freedom of less developed countries. International solidarity is seen as a means essential to the international community’s pursuit of peace, sustainable development and the eradication of poverty. In this context, Tunisia took an initiative that culminated in the creation of the World Solidarity Fund, after having given a constitutional character to this principle at the national level. According to one respondent, international cooperation finds its *raison d’être* in the universal principles of solidarity among peoples, the respect for and protection of human rights, and the pursuit of better conditions for the welfare of all.

9. The global partnership for development can take guidance from the numerous commitments made by States, including at major United Nations conferences and summits, in the economic, social and related fields. Most importantly, the Universal Declaration of Human Rights, in its very first article, states that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Under article 28, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized; and according to article 29, everyone has duties to the community. The Vienna Declaration and Programme of Action of 1993 identified increased and sustained efforts of international cooperation and solidarity as essential to substantial progress in human rights. In its resolution 8/5, the Council calls for a democratic and equitable international order. In its general comment No. 12, the Committee on Economic, Social and Cultural Rights requested States to bear in mind the right to food when concluding international

¹ P.A. Ramella, “Los principios del derecho internacional público a través de la Carta de la Naciones Unidas”, *Revista de Política Internacional*, No. 93, September/October 1967, pp. 65–87.

agreements. The concept of a “common heritage of mankind” was established by the United Nations Convention on the Law of the Sea, as well as other instruments. Several respondents pointed out that the international community affirms its solidarity with victims of violations of international law, including human rights and humanitarian law, but that it is a broader and indispensable component of the efforts to realize the right to development and rights-based approaches to development, the full enjoyment of economic, social and cultural rights and the Millennium Development Goals.

10. Most respondents stressed that international solidarity should be based on the equality and sovereignty of all States. The Constitution of Colombia promotes international relations on the basis of fairness, equality, reciprocity and respect for national sovereignty and the self-determination of peoples. States have pledged to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms, and should be led by their commitments to friendly relations. Some supported the principle of solidarity, but cautioned against its misuse to legitimize a new form of humanitarian intervention. It was also stated that the issues of relief provided to the Palestinian people living in the occupied territories and the collective punishment imposed upon them are not dealt with effectively or taken into account sufficiently by the international community.

11. The view was expressed that international solidarity is conceived as a product of social history, with the understanding that, as time progresses, new, justified claims that need to be addressed arise within the international community. Some respondents felt that solidarity rights or third generation rights are not yet established in the minds and hearts of many leaders and people at the grass-roots level, and much sensitization is needed in this regard. Numerous issues were listed as appropriate for treatment as solidarity rights, including bridging global imbalances in the levels of development among countries, closely related to poverty alleviation; promoting an international economic order based on equal participation in decision-making processes; technology transfer; the fair distribution of costs and burdens; transparent, democratic, just and accountable international institutions; the equitable participation of all, without discrimination, in domestic and global governance; equitable regional and gender-balanced representation in the composition of the staff of the United Nations system; respect for cultural diversity, cultural heritage and cultural rights; friendly relations among States; and equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations. Also included were the rights to peace; migration; food security; knowledge, especially for economic and social development; the production of medicine for treatment of pandemics, such as AIDS and influenza A H1N1; and a healthy and sustainable environment.

12. The development of international law recognizing people as subjects of the law, with a clear-cut role for people in global responses to disasters, should be a goal. A common guideline could, for example, be developed for people helping others across borders in times of natural or man-made disasters. Over time, this dual approach of people and States helping each other would strengthen the principle of international solidarity as a genuine principle of international relations and law. The revolution in international news transmission and information technology has brought the people of the world together, leading to manifestations of solidarity across borders through the expression of genuine grief and sympathy, and help for disaster victims, indicating a sense of unity among all. There is a gap between people’s sense of solidarity and that among States, which continues to be guided primarily by national interests. Bridging this gap further is possible by extending the scope of the principle of solidarity.

13. Almost all respondents supported a legal framework for human rights and international solidarity. Some made specific suggestions for the strengthening of the definition, understanding and implementation of international solidarity, for instance that

the definition should include actions and persons, going beyond States. Reference to the interdependence of States and their interaction with other international actors would be more appropriate than speaking of dependence. A few respondents went as far as to advocate for legally-binding obligations in a convention on international solidarity. At the other end of the spectrum, one respondent argued that there is no need to recognize all moral imperatives as part of the legal order. Attempts to express moral principles in the language of human rights without giving them real content and legal meaning can only devalue both human rights and the moral principles themselves. According to this view, the interpretation of the solidarity principle as a source of international legal obligations with regard to matters that have not been explicitly addressed by norms of international law would not be acceptable.

B. International solidarity as a response to global challenges

14. Respondents stated that international solidarity must be recognized as a prerequisite for any collaboration in the international community. While noting the significant contributions made by Governments, there is scope to improve the coordination of international support, in line with the principles of Good Humanitarian Donorship and relevant General Assembly resolutions. The Millennium Declaration underscores that, when addressing global challenges, costs and burdens must be fairly distributed. Global challenges are numerous, and four areas are considered below.

1. Humanitarian assistance in natural disasters

15. Respondents pointed out that natural disasters are to date the main focus of international solidarity. In recent years, an alarming increase in major natural disasters has been witnessed. Many occurred in developing countries, which have difficulty in responding adequately, and ensuring appropriate protection for people, animals and property. Various mechanisms exist for the coordination of international humanitarian and rescue assistance when disasters strike. Countries have demonstrated their readiness to assist, as witnessed for example in the aftermath of cyclone Nargis in Myanmar, the tsunami in South-East Asia, and the earthquakes in Pakistan, China and, more recently, Haiti. To some extent, the provision of international humanitarian and rescue assistance is achieved, although it is still fragmented.

16. There is a considerable amount of international law and policy in place for those affected by disasters to receive timely and dignified humanitarian assistance. The guiding principles of humanitarian assistance provide for assistance that is closely linked with the principles of humanity, neutrality and fairness, with full respect for the sovereignty, territorial integrity and national unity of States under the Charter of the United Nations. Some respondents stressed that humanitarian assistance must only be given with the consent of the affected country and, in principle, on the basis of a request by the same, and should be linked with the efforts of the State concerned. The principle of solidarity is closely connected to the principles of international humanitarian assistance, as reflected in the 1949 Geneva Conventions and relative protocols, international humanitarian law, human rights law and the agreements of the 2005 World Conference on Disaster Reduction.

17. Certain respondents were of the view that there is a need for a more solid legal framework based on international solidarity, perhaps in the form of a convention, for the prevention of natural disasters, and the mitigation of their consequences. Several respondents felt that there should be a greater focus on ex ante disaster prevention, risk reduction, emergency preparedness and improved and sustainable rehabilitation. Greater predictability of assistance and increased funds for the United Nations emergency relief coordination are desirable. Adequate investment is required firstly to reduce vulnerability to

hazards and the severity of disasters; and secondly, in the aftermath, to rebuild better facilities rather than merely restore pre-existing ones. Suggestions for improvements include the publication of scientific forecasting of natural disasters, coordination in the implementation of proactive, preventive measures to avoid serious consequences, and the establishment of national and international reserves for prompt and adequate responses. The increase in the magnitude and frequency of disasters has affected the quality of the response of the international community to assist victims. The humanitarian assistance given in recent natural disasters has not been executed in an appropriate manner, since these actions ought to be immediate, viable, adjusted to the actual situation, speedy, preventive, carried out in close coordination with the affected States and at least attempt to reduce human casualties and protect means of survival. It is regrettable that, despite technological advances, accumulated information (technological and scientific knowledge) is not shared with States and regions that are more vulnerable to natural disasters.

18. Some respondents pointed to the need to change the activities that result in “natural” disasters, which are closely linked to industrial production in some parts of the world. Many natural disasters are a result of environmental degradation; international law and specifically international environmental law should therefore have binding agreements and enforcement mechanisms employing the precautionary principle to avoid natural disasters. This would require greater commitment by those responsible. It was pointed out that poor countries do not have the resources to install infrastructure and technical facilities to provide early warning systems, respond to overwhelming conditions following a disaster or rebuild thereafter. Therefore, greater investment and support to prevent and reduce the frequency and severity of natural disasters would be helpful.

19. Some felt that the real issue is global, rather than international solidarity. One respondent expressed belief in allegiance to humanity and social affiliation rather than to the nation State. It was suggested that there should be provision in every national constitution making a commitment to humanitarian disaster relief to countries in need, but that the will of the people must underlie such a notion. To have such a popular consensus, it was felt that we need to start with children, teaching them the value of treating others as oneself, as represented by millennia of spiritual wisdom. Friendship and tolerance among nations is also a fundamental value that needs to be taught. Trust and confidence should form the basis for global solidarity.

2. Poverty alleviation

20. Some respondents viewed solidarity as a principle born together with international human rights law through the pursuit of peace among nations. However, it lacks visibility in current human rights instruments because it has no binding force. International solidarity is the only way to alleviate poverty, including extreme poverty. Solidarity is not just an occasional action in favour of those who are sometimes in need, but rather a fundamental conception of human relations among persons, groups and nations. It is a basic moral principle found in virtually all major religions and cultures, namely, to treat others as you would have them treat you. Without this new spirit of communion in international relations, especially in international economic relations, it will be impossible to eradicate poverty and reduce the gap between rich and poor, both nationally and internationally. Solidarity requires peaceful coexistence, friendly relations and cooperation between States and others, as well as socially just economic and social institutional arrangements. International solidarity is a key approach to poverty eradication, as stated in the Kyiv Declaration of 2008.

21. Given that close to 1 billion people live on less than \$2 per day, overly represented in the so-called “global south”, this right can help to eradicate what is largely a North/South divide. This situation does not negate the fact that, within countries too, there is a gross

maldistribution of wealth, often due to oppressive regimes and rampant corruption. Solidarity at the national level would encourage States to create conditions for different sectors of the population, especially the poorest, through social policies that promote equality and allow the accumulation of social capital, among other actions.

22. Some respondents expressed the view that many developing countries are impoverished because of fiscal and other policies driven by unequal global political, economic, trade and security relations led by wealthier nations and international financial institutions. The intrinsic global interconnectivity and interrelationships characterized by globalization and trade liberalization have a significant impact on the state of the global economy and the stability and security of many States. International solidarity should be based on mutual respect and consultation of all nations, big and small. In this context, Guyana tabled a proposal for a new global human order, which was adopted by the General Assembly in 1998. This was aimed at mobilizing concerted global action over the long term to address development challenges, improve the well-being of people and reverse the growing disparities between rich and poor. Solidarity takes on added significance in the context of globalization, which excludes large sections of the global population, particularly developing countries, from the related benefits, generating a framework of asymmetric relations. The world has the means to eradicate poverty, but it is essential that international solidarity permeate the political will to do so. Creating an enabling environment, including by increasing access for developing countries to international economic opportunities and the non-imposition of conditionalities, are essential to the eradication of poverty.

23. Solidarity *ante factum* is preferable to solidarity *post factum*, as it aims at tackling the root causes of poverty on the basis of the wisdom that prevention is better than cure. Such solidarity implies that States respect fully their international obligations pledged at the United Nations, implement obligations under international law and are committed to disarmament, clean energy policies, health system strengthening and the Millennium Development Goals, among others. Solidarity *ante factum* is interlinked with other key issues under debate at the United Nations and other forums, such as total cancellation of the foreign debt of developing countries; global and national governance; world trade; reforming the United Nations and international financial institutions; civil society participation; intellectual property rights; agricultural policies; climate change; social determinants of health; and, importantly, world peace. One could also propose the concept of twinship between a developed and developing country, whereby a developed country accepts to accompany a developing country (and vice versa) in achieving its right to development through a mutual exchange of experiences, gains and human, financial and cultural resources.

3. Right to development

24. Several respondents viewed international solidarity and the right to development as complimentary and mutually reinforcing. International solidarity should be an indispensable component of efforts to realize the right to development, which could help to lessen the gap between developed and developing countries by buttressing rhetoric and declarations with tangible actions. It is the right of all countries to develop, subject to the duty to do so in ways that will not harm others or the environment. In today's interdependent world, international conditions give rise to situations of emergency, especially in developing countries; for instance, the financial crisis, conflicts and environmental degradation. The spread of diseases, high-debt burdens and unfair trade practices hamper the efforts of developing countries to pursue sustainable development. It is argued that global solidarity or universal fraternity should be the basic principle inspiring relations between developed and developing countries. This view also reflects the need felt in the current international context to ensure that civil society actors are leading players in

development processes. It also provides qualitatively important elements for a defining feature of cooperation for development: the idea of partnership.

25. The concept of “twinship” between a developed and developing country would be a practical way to reduce the existing gap. The very idea of a partnership envisages equality between the subjects, and primarily between developed and developing countries, non-governmental organizations in the North and in the South, and multinational and local companies. Partnership should be made substantial by fraternity at an individual level, and also between public institutions and private organizations. According to article 2 of the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128, the human person is the central subject of development and should be the active participant and beneficiary of the right to development. Transparency, good governance and democratic Governments at the national level are also essential elements of the right to development. In many developing countries, the fruits of development are monopolized by small ruling elites, to the detriment of the masses.

26. The right to development must be closely monitored, and one country’s right to development should never intrude on another’s. There should be some official system of checks and balances to ensure that States uphold the agreements they reach. The right to development requires, *inter alia*, accessibility of development; the cancellation of debt of developing countries; access to agricultural markets in developed countries; and the elimination of price discrepancies for agricultural and manufactured goods on the world markets. The view was expressed that this right also requires a condemnation of the practice of proclamation of territories of other countries as areas of national interest of other States, and renunciation of the use of double standards in assessing regional conflicts, issues concerning the territorial integrity of States, and the rights of nations and peoples to self-determination. The right to development mandates fostering just global social and economic arrangements and a sense of human solidarity among all peoples. International relations are still subject to the law of the strong and powerful in economic and military terms. Attempts to exercise pressure on other countries pose a challenge that requires international cooperation.

27. International solidarity is an imperative, and the right to international solidarity needs fleshing out in more detailed instruments to be implemented effectively. This should be done in different sectors, so as to be more focused and implementable. Moreover, these processes of substantiation should take place across different sectors to enhance the focus and implementation of this principle. The right to development should be taught in educational institutions. Furthermore, experience-sharing would help States when facing difficult situations and contribute to their development, first at the regional level, owing to common factors, and then internationally. International cooperation and solidarity, self-determination and sovereignty will afford the majority of the population full enjoyment of human rights. Some respondents referred to the need to promote and strengthen channels of dialogue at the regional level, while reaffirming shared commitment to the multilateral system.

4. Millennium Development Goals

28. According to the Millennium Declaration, global challenges must be addressed in a way that ensures that costs and burdens are distributed fairly. In the view of one State respondent, it should be understood that, as long as there is extreme poverty and children die of preventable, curable diseases, human nature requires that we all care, and regard this as a common challenge.

29. The Millennium Declaration, the Monterrey Consensus of the International Conference on Financing for Development of 2002 and the Paris Declaration on Aid Effectiveness of 2005, among other instruments, provide the foundation for a broad-based

alliance in support of the Millennium Development Goals. To meet the Goals, all actors must carry out their respective roles: developing countries need to define their development strategies, donors must translate their commitments into action, and the United Nations should act in a coordinated and coherent manner. Only by collective action with shared responsibility to protect our planet, with awareness of our different capabilities, can global problems be solved. The impact of the Monterrey Consensus and Doha Declaration on Financing for Development of 2008 remains, despite what has been achieved to date, far short of the response necessary to meet challenges faced, especially by Africa, which continues to be the most affected by pandemics and extreme poverty. To address the particular needs of Africa while stressing that the eradication of poverty constitutes the greatest challenge facing the world, the international community should define a real strategy to mobilize resources on the basis of a United Nations resolution that would make it binding upon Member States to contribute financially to the global effort against poverty and social exclusion. The path to integrating developing countries in the global economy is of key importance.

30. To strengthen international cooperation means firstly to place the dignity of every human being at the centre of action of the international community. It is important to take into consideration qualitative elements, not only quantitative ones. One respondent emphasized that there is no clear link to human rights in the Goals, apart from a reference to the Universal Declaration of Human Rights and the right to development. It is necessary to make a clear link between the Goals and human rights, particularly articles 25 and 26 of the Universal Declaration, on the rights to health and education, and articles 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, on the rights to food, adequate housing, health and education.

31. To implement the Millennium Development Goals, the priorities, sequence and form of joint efforts should be identified at the international and regional levels. International cooperation can be strengthened by making it a priority to set and implement international projects that specifically address the Goals. A huge leap in resource allocation is required. Mechanisms must be put in place within the United Nations to ensure that States fulfil their commitments of 0.7 per cent of gross national income. An annual review of the fulfilment of pledges by all countries would be useful. Official development assistance (ODA) needs to be coordinated and targeted according to the real needs of countries, and bearing in mind their heterogeneity. While aid in recent years has increased in nominal terms, this has been mainly due to debt relief and assistance in the case of emergencies. Conditionality in aid pose serious challenges. Developed countries should continue to render assistance while respecting developing countries as equal, sovereign partners.

32. To enhance accountability, one option would be to encourage countries to register measurable and monitorable commitments towards the achievement of the Goals. A greater focus on and more resource allocation for programmes addressing access to markets, good governance and natural resources management are also desirable. Measures to overcome the factors that provoke global crises, international and inter-ethnic conflicts, xenophobia and discrimination are needed. It is crucial to address issues related to crime and corruption in the policies aimed at reducing poverty and promoting development and the rule of law.

33. Developing countries need a greater voice in forums where crucial decisions are made about their future, and there must be reform and the creation of a more equitable economic and financial system, as well as the transfer of technology to States to promote the sustainable and equitable use of natural resources. International financial institutions should adopt a systematic approach to impoverished States and use transparent criteria for determining forms of development support. International cooperation should involve the legitimate right to consultation as equal partners.

34. Countries also need to exchange good practices, and empower people through the media and technology. Human rights education in schools, with a focus on fostering a strong sense of internationalism, especially concern for those in dire circumstances, would be helpful.

C. Obligations in international solidarity

35. Respondents pointed out that the Vienna Declaration and Programme of Action, the Monterrey Consensus, the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action of 2008 are, among others, important steps by which States agreed upon obligations in international solidarity. Some respondents asserted that there are State obligations with regard to international and/or global solidarity; however, others stated that, since the concept is broad, it is difficult to hold any party to it, and suggested that individual and measurable country commitments be developed. According to the latter respondents, there should be some official system of checks and balances without which implementation cannot be monitored, and “all talk and no action” instead.

36. Several respondents had the view that State obligations with respect to international or global solidarity are already established under the Charter of the United Nations, where countries pledge individually and collectively to achieve the purposes and principles of the Charter through cooperation. The issue is one of political will at the international level to ensure that there is a more robust approach to reducing and removing inequitable trade relations and other inequalities between developed and developing countries. The present body of international law on human rights based on equality, development, peace and solidarity is sufficient with the inclusion of clearly established definitions and the political will to uphold them.

37. The development of the right of peoples and individuals to international solidarity depends on the full acceptance of the concept of shared responsibility. Efforts must therefore be made by all countries in order for the international community to increase resources for technical and financial cooperation and fulfil the commitment made by developed countries to allocate the agreed share of gross national income to ODA, under the Monterrey Consensus. The primary stakeholders — United Nations, States, specialized agencies and non-governmental organizations — solemnly undertook, in various resolutions, to implement a new global strategy against poverty, which also led to the creation by the United Nations of the World Solidarity Fund. Owing to a lack of measures for financing, the programmes relating to poverty and human rights have yet to be implemented. For some respondents, it is clear that the responsibility of States with regard to specifically international solidarity should be redefined in order to reinforce it in international law.

38. According to some respondents, international solidarity creates moral and ethical obligations only, and implementation depends on political will. However, it was felt that these obligations are not enough in the light of crises affecting the expectations of people around the world, which require legally-binding obligations. One view was strongly expressed that solidarity is purely a moral, not a legal, obligation. Other respondents, on the other hand, advocated a convention on solidarity. They also pointed out, however, that States often do not have the ability to provide the resources and means to ensure this right. In times of global interdependence, it is necessary to recognize extraterritorial State obligations, as circumstances are often beyond the control of individual States. In the realization of the right to food, it has been recognized that, in a globalized, interconnected world, actions taken by one Government may have a negative impact on the right to food of individuals living in other countries. All countries should therefore ensure that their policies do not contribute to human rights violations in other countries.

39. The realization of solidarity rights, including the right to solidarity, is also linked to the behaviour of individuals, civil society, the private sector and other components of society. The private sector, especially major corporate enterprises operating in developing countries, should assume obligations for development to help to reduce the gap between the developed and developing world through increased corporate social responsibility in the field of business and human rights. In international tourism, efforts have been made to ensure that poor and marginalized communities do not suffer from the disproportionate costs associated with tourism development while missing out on the benefits. In this respect, the Global Code of Ethics for Tourism, in article 9, stipulates that:

As an irreplaceable factor of solidarity in the development and dynamic growth of international exchanges, multinational enterprises of the tourism industry should not exploit the dominant positions they sometimes occupy; ... in exchange for their freedom to invest and trade, which should be fully recognized, they should involve themselves in local development, avoiding, by the excessive repatriation of their profits or their induced imports, a reduction of their contribution to the economies in which they are established.

III. Salient elements of a conceptual and normative framework

A. Review and observations

40. The independent expert reiterates that there is an unequivocal value of solidarity and a related value system that can inform the progressive development of international law and legal development, at the regional and national levels, supporting an integrated and cohesive principle of international solidarity, and an evolving right of peoples and individuals to international solidarity. Notions of solidarity, humility, justice and equity have been found in moral, ethical, philosophical, religious and spiritual traditions the world over since time immemorial, including in Christianity, Islam, Judaism, Hinduism and Buddhism. Ranging from the parable of the good Samaritan and commandment of “love thy neighbour” or “do not harm thy neighbour” in Christian literature to the concept of universal brotherhood in Islam and the central tenets of compassion and loving kindness in Buddhist scriptures, the seminal value of solidarity encapsulates the power of human goodness and goodwill, essential for the survival of society at all levels, including the international community, humanity and its ecological habitat.²

41. The independent expert reiterates his call for human, international and global solidarity, which require strengthened cooperation among all stakeholders: States, international and non-governmental organizations, the private sector and all individuals. The need for solidarity is amplified in the context of increasing interdependence in a globalizing world, where liberalization of international trade and foreign direct investment create a single global economy, mandating that humanity is also conceived as a single, global community. Great thinkers and leaders have, throughout the course of history, implored for the need for unity, fraternity, solidarity and reconciliation, among them, Mahatma Gandhi, Martin Luther King, Eleanor Roosevelt and Nelson Mandela. The pursuit of social justice and equity has long been a subject of discourse, including in international relations, for instance the quest for a new international economic order in the 1970s. In the modern context of globalization, there is a considerable amount of philosophical writing asserting the need for global social justice and the fair distribution of social and economic advantages across the bounds of State sovereignty. It is argued that obligations arise

² C.G. Weeramantry, *The Lord's Prayer: Bridge to a Better World*, Ligouri/Triumph, Missouri, 1998.

between persons by virtue of the global social and economic processes that connect them across national jurisdictions. Structural social injustices can cause harm to people, requiring a conception of responsibility that recognizes this connection.³ Writers have also stressed the need, in this regard, for a greater coordinating role for international institutions in ensuring accountability and responsibilities, cohesion and coherence. Our actions — and inaction — touch people every day across the globe, which in turn calls us to act, to grant dignity to the poor and rethink our engagement with the world.⁴

42. In the sphere of international law and policy, the Charter of the United Nations expresses the need to promote social progress and better standards of living in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples, and calls for international cooperation in solving problems of an economic, social, cultural or humanitarian nature. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations of 1970 provides further evidence of consensus on the need for cooperation and friendly relations. The Universal Declaration of Human Rights refers to the need for universal brotherhood in its very first article, and further integrates the values of solidarity, justice and equity and duties of all in articles 28 and 29. Again, solidarity is a refrain in the Vienna Declaration and Programme for Action of 1993. In its resolution 8/5, the Council proposes the promotion of a democratic and equitable international order, explicitly referring to the rights to development and international solidarity. The idea of the common heritage of humankind in the Law of the Sea Convention of 1982 gives binding legal effect to social justice values at the global level. The principle of solidarity also permeates regional human rights instruments, including the African Charter on Human and Peoples' Rights, the Charter of the Association of Southeast Asian Nations and the Arab Charter on Human Rights, which underscore regional solidarity as a central means and goal of regional economic, social and political relations.

43. The obligations of international assistance and cooperation are complementary to the primary responsibility of States to meet their national human rights obligations. International cooperation rests on the premise that some members of the international community may not possess the resources necessary for the full realization of rights set forth in conventions. The Committee on Economic, Social and Cultural Rights, in its general comment No. 3, stated that international cooperation for development, and thus the realization of economic, social and cultural rights, is an obligation of all States, in accordance with Articles 55 and 56 of the Charter of the United Nations, well-established principles of international law and the International Covenant on Economic, Social and Cultural Rights itself. In the context of the right to development, the open-ended Working Group on the Right to Development underlined that, in the international economic, commercial and financial spheres, core principles, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, including partnership and commitments, are important for the realization of the right to development (E/CN.4/2002/28/Rev.1). Studies reflecting on the international dimension of the right to development have identified different levels of responsibility for development,

³ I.M. Young, "Responsibility and global justice: a social connection model", 2006, 23 (1) *Social Philosophy and Policy*, p. 102; O. O'Neill, *The Bounds of Justice*, Cambridge University Press, New York, 2000.

⁴ See J. Novogratz, *The Blue Sweater: Bridging the Gap between Rich and Poor in an Interconnected World*, Rodale, New York, 2009.

for instance that of corporations at the microlevel, States at the macrolevel and the international community at the mesolevel.⁵

44. Globalization has created rapid economic growth, but also fostered extreme inequality and underdevelopment. Some assert that world poverty represents a failure of the international community to see half the global population secure their basic socio-economic rights; that some States are constrained in their ability to fulfil their human rights obligations through actions and structural arrangements of other members of the international community and entrenched economic and political advantage; that it is necessary to rethink human rights and frame responsibilities essential to their protection; that there is a role for the international community in creating an environment conducive to human-centred development and globalization; and that the right to development is a key factor to meeting the challenges of poverty in the twenty-first century.⁶

45. At the eleventh session of the Working Group on the Right to Development, several Member States stressed the need for international cooperation, solidarity and international responsibility for creating an enabling global environment and adequate policy space for the realization of the right to development, especially in the areas of international aid, trade, debt, access to medicines, transfer of technology, environment and intellectual property rights (A/HRC/15/23). Similarly, it is beyond doubt that governance at the national level and good leadership are also key factors to achieving the right to development. The importance of both national and international dimensions, and of shared responsibilities by and mutual accountability of all were underlined by the high-level task force on the implementation of the right to development in its reports submitted for its sixth session (A/HRC/15/WG.2/TF/2, Add.1 and 2).

46. The international sale of arms can destroy millions of lives, especially in countries affected by civil strife and with weak governance structures. The local and the global can no longer be separated; human rights must be integrated into governance at all levels. The breaking down of national borders means that everyday actions, purchases or investments can make a phenomenal difference to persons in the invisible world of the market. The unprecedented movement of people and goods across borders has led to increased challenges of a transboundary nature, such as human trafficking and the dumping of toxic wastes, which inevitably affect vulnerable people and nations. “The task before us is how to reconcile differences and create consensus, without resiling from the principle that respect for human rights is the ultimate foundation upon which rests the legitimacy of the actions of our Governments, our international institutions, our corporations and business enterprises, our organs of civil society, and ourselves, presently and in future.”⁷ National interests and the universal ethics of solidarity are closely connected, and in the words of a former Secretary-General “the simple fact of the matter is, if we cannot make globalization work for all, in the end it will work for none”.⁸

⁵ D. Aguirre, *The Human Right to Development in a Globalized World*, Ashgate, Hampshire, 2008.

⁶ M.E. Salomon, *Global Responsibility for Human Rights: World Poverty and the Development of International Law*, Oxford University Press, 2007. See also N. Wood, “Governing the global economy: strengthening multilateral institutions”, International Peace Institute, 2008; and J.A. Ocampo, “Rethinking global economic and social governance”, vol. 1, Issue 1, *Journal of Globalization and Development*, 2010.

⁷ D. Kinley, *Civilising Globalisation: Human Rights and the Global Economy*, Cambridge University Press, Cambridge, 2009, p. 239.

⁸ “Globalization must work for All”, Address to the World Economic Forum by Kofi Annan, Davos, Switzerland, 30 January 2001.

B. Selected areas of focus

1. Sustainable development

47. Sustainable development calls for holistic development through the integration of economic, social and environmental concerns, and is therefore naturally suited to the pursuit of just, equitable, human-centred development. The Rio Declaration on Environment and Development of 1982 places human beings at the centre of concerns for sustainable development. Since the calls for global partnerships in Rio, the increasing importance of the principle of international solidarity in connection with responses to sustainable development, environment and climate change, was seen in the World Summit on Sustainable Development and Johannesburg Plan of Implementation of 2002, which elaborated on the need for partnerships, including public-private partnerships, to address these issues collectively. Approaches to global partnership need to be underpinned by a recognition of the interdependent nature of the responsibilities of States in the context of climate change. Integral concepts of sustainable development, including the right to development, common but differentiated responsibilities, inter- and intra-generational equity and constituent principles, such as the precautionary principle, make sustainable development particularly relevant to solidarity.

2. Financing for Development

48. The key role played by the principle of international solidarity in the Financing for Development initiative, first highlighted in the Monterrey Consensus, was confirmed in the Doha Declaration of 2008, reiterating commitments to address such financing in the spirit of global partnership and solidarity. Within the broader Financing for Development framework, the search for innovative sources of development finance has a strong link to international solidarity. Such links were explicitly and implicitly recognized in the World Summit Outcome and the Declaration on innovative sources of financing, both of 2005, and the Paris Conference on Solidarity and Globalization of 2006. In his progress report on innovative sources of development finance (A/64/189), the Secretary-General described international solidarity as a basis for international cooperation in the context of financing for development, and highlighted existing and potential initiatives that could contribute to international and human solidarity, including solidarity levies and the Digital Solidarity Fund.

49. In 2008, in his opening remarks to the Doha Conference on Financing for Development (A/CONF.212/7), the Secretary-General made a plea for selflessness and solidarity and the building of bridges to include the entire international community rather than a select few. These bridges must stand on three pillars: cooperation, including in stimulus programmes following the crises, so that they address the needs of all, especially the poorest and most vulnerable; sustainability, including climate change; and inclusive governance, which requires a new multilateralism that recognizes the world of the twenty-first century and the central role of emerging and developing economies. Coherence and coordination through the United Nations becomes a key factor in ensuring solidarity.

C. Emerging approaches in international cooperation

1. Shared responsibilities

50. The above discussion makes it clear that there are shared responsibilities for development through States' national obligations and the obligations of international cooperation. Sustainable development is today universally recognized as a goal of the global community and as a principle of international law. Economic globalization, while

promoting interdependence and its positive effects, can also have the opposite effects of disconnection and exclusion, especially for people surviving on the edge of existence. Accountability and shared responsibilities were recently stressed to be essential to development:

We must embrace shared responsibilities across national boundaries. For example, self-interest and short-term thinking have plagued progress on global trade reform. When Governments provide development assistance, but at the same time continue massive agricultural subsidies to their own farmers, they aren't promoting sustainable development for all. They are undermining development prospects and damaging the livelihoods of some of our most vulnerable sisters and brothers.⁹

This underlines the importance of policy coherence across sectors and institutions, and in international, regional and national policies of States.

2. South-South cooperation

51. Solidarity, friendship and cooperation, sovereignty and territorial integrity were the core principles of the Bandung Conference of 1955 between leaders of Asian and African countries, reinvigorated in 2005 in the Declaration on the New Asian-African Strategic Partnership and the Joint Ministerial Statement. Mutual aid among countries of the South can be at the bilateral, regional and global levels. Countries cooperate in the areas of reform of global governance institutions, the Millennium Development Goals, poverty, food security, energy security, climate change and sustainable development, which all hope to achieve through the advantages of globalization.

52. The Summit of the Forum on China-Africa Cooperation in 2006 and the India-Africa Forum Summit in 2008, and the greater involvement of Latin American countries in Africa are increasing the continent's cooperation at the bilateral level, which could evolve into regional, and eventually global, issues of common concern. Trade and investment arrangements with newly emerging economies are seeing a large increase in economic activity in Africa, and hold much promise for the future, provided they are implemented in a context of fairness and equity, information-sharing, experience, awareness and equal partnerships for all.¹⁰ Technical cooperation among developing countries, or South-South cooperation, is guided by the goal of contributing to strengthening relations; for instance, Brazil follows a policy of "solidarity diplomacy" whereby it makes its own experience and knowledge available to other developing countries to promote economic and social progress without imposing conditions, and areas of cooperation are defined by recipient countries.

3. Major global summits and ministerial meetings in the economic, social and climate fields

53. Support for the principle of international solidarity, and the coordinated approach to addressing global issues that this principle calls for, was witnessed in a series of major global meetings spanning the diverse but interrelated thematic areas of development, trade, aid, the financial and economic crisis, and the environment. The Doha Review Conference and Declaration of 2008 reaffirmed the global partnership for sustainable development that had been launched in Monterrey. Solidarity also underpinned the World Summit on Sustainable Development in Johannesburg, in 2002; the outcome documents of the second and third High-Level Forums on Aid Effectiveness in 2005 and 2008, namely the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action; the Conference on the

⁹ Mary Robinson, Public Symposium on the theme "Responding to global crises: new development paths", UNCTAD, Geneva, 11 May 2010.

¹⁰ Kofi Annan, "Inside Africa", CNN, 5 June 2010.

World Financial and Economic Crisis and its Impact on Development, in 2009; and the special high-level meeting of the Economic and Social Council with Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development, also in 2009. The Kyiv Declaration, adopted in 2008 at the International Conference on Current Challenges to Human Rights and Freedoms, viewed international solidarity as a key approach to eradicating poverty. The Declaration of the Beijing Summit of the Forum on China-Africa Cooperation of 2006 and the Delhi Declaration of the India-Africa Forum Summit of 2008 are also significant new developments.

4. Best practices

54. Since the earliest times, international cooperation has been reflected in numerous good practices by many countries and other actors across all regions. For several decades, there have been far-reaching efforts and practices of international assistance and cooperation. The practices described below are only some illustrative examples from the answers sent by respondents.

55. In the constitutions of Guyana and Colombia, the principle of solidarity finds express and implicit recognition. In Tunisia the National Solidarity Fund is the final outcome of a long process towards the implementation of a solidarity system for development and the fight against poverty. Well-anchored in the institutional landscape of the country, this fund is an instrument aimed at fighting poverty. The extension of social security to vulnerable social groups and commitments to poverty eradication constitute a good practice in Suriname; the *Alternativa Bolivariana para los Pueblos de Nuestra América* stands for the principles of solidarity, genuine cooperation and complementarity among Member States, sustainable development based on the well-being of peoples and their natural environment. Best practices among other stakeholders include the Global Code of Ethics for Tourism of the World Tourism Organization and open source technologies, such as Ushahidi and Frontline SMS to strengthen cooperation, awareness and response in crisis situations and human rights monitoring. Across national borders, there is an ever increasing number of alliances, such as *Medecins sans Frontières* and *Avocats sans Frontières*, which bear witness to an abundance of goodwill that exists across the world.

56. Some countries, as a matter of principle and respect for State sovereignty and in accordance with General Assembly resolution 46/182, only provide humanitarian assistance at the express request of the recipient country, in accordance with its priorities. The foreign policy of Brazil in the area of the human right to food includes international cooperation actions and the exchange of best practices aimed at achieving long-term solutions to food insecurity problems. Its policies in international cooperation are oriented towards overcoming obstacles to development, including tariffs and agricultural subsidies in developed countries, patents that prevent access to technology, and unsustainable debt. Its initiatives of South-South cooperation are framed in governmental policies aimed at overcoming these obstacles by establishing new mechanisms of partnership, such as the Forum India, Brazil and South Africa.

IV. Concluding remarks: international solidarity in an interdependent world

57. On the basis of the above, the independent expert proposes that the definition of international solidarity be refined to denote the union of interests, purpose and actions among States and social cohesion between them, based on the interdependence of States and other actors to preserve the order and very survival of international society, and to achieve common goals that require international cooperation and collective action. Global

solidarity encompasses the relationship of solidarity among all stakeholders in the international community.

58. International solidarity is a precondition to human dignity, the basis of all human rights, and a human-centred approach to development, and has a bridge-building function across all divides and distinctions. It encompasses the values of social justice and equity; goodwill among peoples and nations, and integrity of the international community; sovereignty and sovereign equality of all States, and friendly relations among them. International cooperation is the core of international solidarity. However, international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens, refraining from doing harm or posing obstacles to the greater well-being of others, including in the international economic system and to our common ecological habitat, for which all are responsible. In a unified, interdependent, globalized marketplace, actions and inactions can benefit or harm people at the furthest ends of the earth; they therefore necessitate shared responsibilities and mutual accountability. Tolerance and diversity are intrinsic to international solidarity, which has no space for discrimination of any form. Special attention must be given to the human rights of vulnerable groups, including women, children, the disabled, the elderly, indigenous peoples and migrants.

59. There is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements, countless people of goodwill reaching out to others, and corporate social initiatives by the private sector. The international responses after cyclone Nargis in Myanmar, the Asian tsunami and the earthquake in Haiti bear witness to the abundance of solidarity that exists. However, much more is needed, owing to the magnitude of global and local challenges, the alarming increase of natural and man-made disasters, and the continuing rises in poverty and inequality. Ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters. Towards this end, it must address the core need for justice and equity at the national and international levels; this is the only long-term, sustainable solution to common challenges faced by the international community.

60. In the present report, the independent expert has identified the primary areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity. There is an abundance of hard and soft laws, policies and values that can form the basis of a conceptual and normative framework on human rights and international solidarity, principles and guidelines on human rights and international solidarity and, eventually, a draft declaration on the right of peoples and individuals to international solidarity. These laws, policies and values in the national, regional and international domains include the most basic instruments founded on international consensus.

61. International solidarity permeates the three pillars of the Charter of the United Nations: peace and security; development; and human rights. Development and human rights are the most secure basis for peace.¹¹ At the nuclear security summit called by the President of the United States of America on 13 April 2010, the world was reminded that a

¹¹ Boutros Boutros-Gali, "An Agenda for Peace", United Nations, New York, 1992; "An Agenda for Development", United Nations, New York, 1994.

substantially new manner of thinking and action was essential if humankind is to survive. Similarly, the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity. The need for change is underlined by the Millennium Declaration, which includes solidarity¹² and shared responsibility as fundamental values essential to international relations in the twenty-first century.

62. The independent expert would like to conclude with the wisdom of the words of the report of the Secretary-General entitled “In larger freedom” (A/59/2005):

In a world of interconnected threats and challenges, it is in each country’s self interest that all of them are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep and sustained global cooperation among States. Such cooperation is possible if every country’s policies take into account not only the needs of its own citizens but also the needs of others. This kind of cooperation not only advances everyone’s interests but also recognizes our common humanity.

¹² Report of the Secretary General, “Keeping the promise: a forward-looking review to promote an agreed agenda to achieve the Millennium Development Goals by 2015” (A/64/665).

Annex

Questionnaire for States, United Nations departments and bodies, specialized agencies, other international organizations and non-governmental organizations and special procedures mandate holders

Prepared by the independent expert on human rights and international solidarity

1. International solidarity, according to the independent expert on human rights and international solidarity, is defined as the union of interests or purposes among countries, and social cohesion between them, based upon the dependence of States and other international actors on each other, in order to preserve the order and very survival of international society, and in order to achieve collective goals, which require international cooperation and joint action. Given that the principle of international solidarity is essential to responding to current global challenges, what is your opinion with regard to recognizing international solidarity as a principle of international law, in particular, international human rights law?
2. General Assembly resolution 55/2 recognized solidarity as a fundamental value, essential to international relations. Taking into consideration the related concepts of international solidarity, the right to development, and human rights-based approaches to development, what is your opinion on international solidarity as one of the approaches to alleviate poverty?
3. In the context of third generation rights, and recognizing that solidarity rights are third generation rights, comprising, among others, the right to economic and social development, the right to participate in and benefit from the “common heritage of mankind”, the right to peace, the right to a healthy and sustainable environment, the right to humanitarian disaster relief and the right to communication:
 - (a) Do you see third generation rights, in particular solidarity rights, as an established or an emerging area of human rights law?
 - (b) In your perspective, is there any particular right that should be included under solidarity rights other than the rights mentioned herein?
4. The independent expert focuses on three major areas, namely, international cooperation; global responses to natural disasters, agricultural pests and diseases; and third generation rights. In your view, are the main areas of focus sufficiently representative of today’s issues, challenges and crisis situations?
5. International solidarity is closely connected with humanitarian assistance, including global responses to natural disasters. How do you perceive global responses to natural disasters within the framework of international law?
6. The Millennium Development Goals could be considered collective goals of the international community. How should international cooperation be strengthened in order to accomplish the Goals?
7. The right to development is one of the third generation rights which have been enshrined in international and regional instruments. The 1986 Declaration on the Right to Development recognized this right as an inalienable human right. How would the right to

development reduce the existing gap between developed and developing countries by means of international cooperation and solidarity?

8. International solidarity itself is not a new notion, having been introduced by developing countries in the 1970s. The concept has been echoed in several international instruments (e.g. General Assembly resolution 55/2). In your view, are there State obligations in relation to international and/or global solidarity?

The independent expert has been requested to prepare a draft declaration on the right of peoples and individuals to international solidarity and would welcome your suggestions and comments.
