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Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and international solidarity**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on human rights and international solidarity, Virginia B. Dandan, in accordance with Human Rights Council resolution 26/6.

* A/69/150.

** Late submission.



Report of the Independent Expert on human rights and international solidarity

Summary

The Independent Expert on human rights and international solidarity, Virginia B. Dandan, submits the present report in accordance with Human Rights Council resolution 26/6. The present report provides information on the progress of the work of the mandate since the previous report to the General Assembly in 2013, notably, on the draft declaration on the right of peoples and individuals to international solidarity that the Independent Expert submitted to the Council at its twenty-sixth session in June 2014.

The present report seeks to contribute to the current process of formulating the future sustainable development goals so that they are consistent with universal human rights standards, focusing on the value added to those goals when they are framed and informed by the right to international solidarity.

The main feature of the present report, contained in section IV, is a brief analysis of the proposed draft declaration on the right to international solidarity focusing on three areas of concern relevant to the future goals: overcoming inequality and ending poverty and discrimination; building effective and accountable institutions and peaceful societies; international cooperation: strengthening implementation and revitalizing global partnerships. The conclusion section of the report contains salient points from the emergent right to international solidarity to illustrate its critical role in the effective implementation and outcome of a future United Nations development agenda beyond 2015.

Contents

	<i>Page</i>
I. Introduction	3
II. Moving forward on future sustainable development goals.	4
III. Overview of the proposed draft declaration on the right of peoples and individuals to international solidarity	6
IV. United Nations development agenda beyond 2015: proposed future sustainable development goals through the lens of the draft declaration on the right to international solidarity	7
A. Overcoming inequality and ending poverty and discrimination	8
B. Building effective and accountable institutions and peaceful societies	13
C. International cooperation: strengthening implementation and revitalizing global partnerships for sustainable development	16
V. Conclusion	18

I. Introduction

1. At its twenty-sixth session, the Human Rights Council extended the mandate of the Independent Expert on human rights and international solidarity for a period of three years in resolution 26/6 of June 2014. The Council welcomed the report of the Independent Expert and the work conducted by her, taking note with appreciation of the proposed draft declaration on the right of peoples and individuals to international solidarity contained in the annex to her report.¹ In the same resolution, the Council decided that, in order to gather the input of as many Member States as possible on the proposed draft declaration, regional consultations in a workshop format are to be convened by the Independent Expert, and in this connection requested the Office of the United Nations High Commissioner for Human Rights to assist her in organizing these regional meetings. The Council also requested the Independent Expert to consolidate and consider the outputs from all the regional consultations and to submit to the Council at its thirty-second session a report on those meetings. It further requested her to submit a revised draft declaration to the Council and the General Assembly, before the end of her second term.²

2. The submission to the Council of the proposed draft declaration on the right of peoples and individuals to international solidarity,³ or simply the right to international solidarity henceforth, marks a milestone for the mandate of human rights and international solidarity. The document is a consolidation of contributions from various experts of the United Nations, academia and civil society, particularly non-governmental organizations, in addition to the results of studies, activities and work done by two successive mandate holders with the assistance of the Advisory Committee of the Human Rights Council.

3. The work of the Independent Expert in developing the proposed draft declaration, moved through three methodological stages, in sum: first, laying the conceptual and normative basis of international solidarity; second, moving beyond basic definitions of the concept of international solidarity towards giving meaningful content to international solidarity as a human right; and, third, crafting the proposed draft declaration. This approach was undertaken mindful that although by and large, there was no apparent disagreement by States as to the importance of international solidarity for the realization of human rights, there were some conceptual issues that needed to be addressed and clarified.

4. During the process of developing the contents of the proposed draft declaration, the Independent Expert undertook other activities pertaining to the mandate-related areas of focus. Her formal engagement in the post-2015 development agenda began with her participation in the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil, 2012, and the People's Summit for Social and Environmental Justice, held in parallel to the Conference on Sustainable Development, where she spoke on the role of international solidarity in the global agenda on sustainable development, urging States and civil society to work together, building on their commonalities and surmounting differences in the spirit of partnership and mutual respect for the sake of our common future. In its

¹ [A/HRC/26/34](#) and Add.1.

² [A/HRC/26/L.16](#).

³ [A/HRC/26/34](#), annex.

resolution 21/10, the Council welcomed the participation of the Independent Expert in the United Nations Sustainable Conference on Development and encouraged her continued active involvement in the post-2015 development agenda. Subsequent Council resolutions have reiterated this same request, with a view to promoting and stressing the role of international solidarity as a key element in the achievement of a sustainable and more inclusive development.

5. It is in this context that the Independent Expert has closely followed and actively participated in, where possible, the progress and advances made in the post-2015 development process, including the various outcomes of conferences and consultations, at the international and regional levels. In the present report, the Independent Expert explores the application of the various provisions of proposed draft declaration on the right to international solidarity, to the illustrative goals that have been recommended by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, together with the proposed sustainable development goals of the Open Working Group of the General Assembly on Sustainable Development Goals.

II. Moving forward on future sustainable development goals

6. A letter dated 30 May 2013, from the Co-Chairs of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda to the Secretary-General, accompanied the Panel report, *A new global partnership: eradicate poverty and transform economies through sustainable development*. The report contains the recommendations of the Panel on the development agenda beyond 2015, envisioning a universal agenda driven by “five big transformative shifts”, describing the fifth as “the most important transformative shift towards a new spirit of solidarity, cooperation, and mutual accountability that must underpin the post-2015 agenda”, namely, leave no one behind; put sustainable development at the core; transform economies for jobs and inclusive growth; build peace and effective, open and accountable institutions for all; and forge a new global partnership.⁴

7. The High-level Panel believes that the following 12 illustrative goals must interact to provide results:⁴

- (i) End poverty;
- (ii) Empower girls and women and achieve gender equality;
- (iii) Provide quality education and life-long learning;
- (iv) Ensure healthy lives;
- (v) Ensure food security and good nutrition;
- (vi) Achieve universal access to water and sanitation;
- (vii) Secure sustainable energy;
- (viii) Create jobs, sustainable livelihoods and equitable growth;

⁴ United Nations, *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development: report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda* (United Nations publications, Sales No. E.13.I.10).

- (ix) Manage natural resource assets sustainably;
- (x) Ensure good governance and effective institutions;
- (xi) Ensure stable and peaceful societies;
- (xii) Create a global enabling environment and catalyse long-term financial change.

8. In the same report, the High-level Panel reiterated its vision contained in its 2013 Bali communiqué of a renewed global partnership “... that enables a transformative, people-centred and planet-sensitive development agenda which is realized through the equal partnership of all stakeholders. Such partnership should be based on the principles of equity, sustainability, solidarity, respect for humanity and shared responsibilities, in accordance with respective capabilities”.⁵

9. The introduction to the proposal of the Open Working Group for Sustainable Development Goals states its mandate contained in the outcome document of the Conference on Sustainable Development, “The future we want” (resolution 66/288, annex): to develop a set of sustainable development goals for consideration and appropriate action by the General Assembly. This mandate was also the basis for the conceptualization of the sustainable development goals that should be “coherent with and integrated into the United Nations development agenda beyond 2015”.⁶ For the purposes of the present report, it is important to note that the Working Group stated in paragraph 4 of the introduction that people are at the centre of sustainable development and reaffirmed the commitment to fully implement the agreements and decisions made at United Nations international conferences, naming each one in paragraph 6.

10. In all, there are 12 illustrative goals recommended by the High-level Panel and 17 proposed sustainable development goals by the Open Working Group, where the latter set encompasses all of the elements in the former, albeit in a different formulation. The two set of goals, along with their respective targets, covers a broad spectrum of issues reflecting the social, economic and environmental dimensions of sustainable development. It is interesting to note that, on the one hand, the twelfth and last of the illustrative goals is to create a global enabling environment and catalyse long-term financial change, without referring in particular to “global partnerships”. On the other hand, the seventeenth and last goal of the proposed sustainable development goals prescribes strengthening the means of implementation and revitalizing the global partnership for sustainable development. The targets together cover finance, technology, capacity-building, trade, systemic issues, multi-stakeholder partnerships, data, monitoring and accountability. In effect, these two last goals mirror goal 8 of the Millennium Development Goals: develop global partnerships for development.

11. The two sets of goals overlap or have strong commonalities, but although they are directly related to the enjoyment and exercise of human rights, they are not couched in human rights terms and are not explicitly linked to existing human rights treaty obligations of States. In this regard, it should be recalled that the report of the

⁵ Bali communiqué of the High-level Panel, 28 March 2013; available from www.un.org/sg/management/hlppost2015.shtml.

⁶ The full report of the Open Working Group is available from: www.sustainabledevelopment.un.org/focussdgs.html.

United Nations System Task Team on the Post-2015 Development Agenda, “Realizing the future we want for all”, which was highlighted in the initial input of the Secretary-General to the Open Working Group (A/67/634), calls for a development agenda beyond 2015 that must, inter alia, integrate the core values of human rights, equality and sustainability; and that the agenda should be truly global, with shared responsibilities for all countries, implying at the same time, a redefinition of the global partnership for development (A/67/634, para. 9). This statement echoes the vision of the High-level Panel that the transformative shift will require adopting a new mind-set, moving past business as usual thinking and thus, a new global partnership will require altering everyone’s world view, profoundly and dramatically.⁴

III. Overview of the proposed draft declaration on the right of peoples and individuals to international solidarity

12. The proposed draft declaration characterizes international solidarity as the convergence of interests, purposes and actions between and among peoples, individuals, States and their international organizations, in order to preserve the order and ensure the very survival of international society, and to achieve common goals that require international cooperation and collective action based on the international normative system of duties that they implement and practise to foster peace and security, development and human rights.⁷

13. The right to international solidarity is a fundamental human right by which peoples and individuals have the freedom to enjoy, on the basis of equality and non-discrimination, the benefits of a harmonious international society with a just and fair international political and economic order, in which all human rights and fundamental freedoms may be fully realized. Notably, the proposed draft declaration makes the point that the right to international solidarity draws on human rights norms and principles that are already codified in international legal documents and that therefore this right encompasses existing entitlements along with the obligations of States that are well established in international human rights treaties. Furthermore, it articulates the rights that peoples and individuals have, individually and in association with others, within their territories and extraterritorially beyond national boundaries and as provided for in human rights and other applicable international instruments.⁸

14. The proposed draft declaration identifies the rights holders as “peoples and individuals” and indicates to whom the word “peoples” applies, in addition to the dominant and more familiar paradigms like indigenous peoples and minorities. The term “peoples” encompasses those who are marginalized or excluded and/or unrepresented, such as local and grass-roots communities that live in remote and isolated villages; groups in social spheres across national borders like transnational and diaspora communities; transnational advocacy networks; and virtual communities of individuals who are connected through the Internet and digital media.⁹ The characteristic feature of these groups is that they exist outside larger civil societies and organizations but together share and develop similar values and

⁷ See A/HRC/26/34, annex, art. 1.

⁸ Ibid., art. 5.

⁹ Ibid., art. 6.

world views and, as such, are structured in some way.¹⁰ This resonates with the following words of the High-level Panel:

“This is a world of challenges, but these challenges can also present opportunities, if they kindle a new spirit of solidarity, mutual respect and mutual benefit, based on our common humanity and the Rio principles”,⁴

and the words of the Open Working Group:

“People are at the centre of sustainable development and in this regard, Rio+20 promised to strive for a world that is just, equitable and inclusive ... thereby to benefit all ... without distinction of any kind such as age, sex, disability, culture, race, ethnicity, origin, migratory status, religion, economic or other status.”¹¹

IV. United Nations development agenda beyond 2015: proposed future sustainable development goals through the lens of the draft declaration on the right to international solidarity³

15. In the discussion that follows, the 17 proposed sustainable development goals, referred to simply as “proposed goals”, will be the main topics of analysis inasmuch as they also mirror the 12 illustrative goals. The proposed goals are clustered under major themes parallel to the contents of the proposed draft declaration on the right to international solidarity. This thematic approach is a holistic view of the interlinked and multi-dimensional development issues involved and is at the same time consistent with the universality, the indivisibility and the interrelatedness of human rights. The proposed sustainable development goals are as follows:

- (i) Proposed goal 1: End poverty in all its forms everywhere;
- (ii) Proposed goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture;
- (iii) Proposed goal 3: Ensure healthy lives and promote well-being for all at all ages;
- (iv) Proposed goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all;
- (v) Proposed goal 5: Achieve gender equality and empower all women and girls;
- (vi) Proposed goal 6: Ensure availability and sustainable management of water and sanitation for all;
- (vii) Proposed goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all;
- (viii) Proposed goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;

¹⁰ D. Newman, as cited in K. De Feyter, *Towards a Framework Convention on the Right to Development* (2013, Geneva: Friedrich Ebert Stiftung).

¹¹ Introduction to the proposal of the Open Working Group for Sustainable Development Goals (2014), para. 4; available from www.sustainabledevelopment.un.org/focussdgs.html.

- (ix) Proposed goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation;
- (x) Proposed goal 10: Reduce inequality within and among countries;
- (xi) Proposed goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable;
- (xii) Proposed goal 12: Ensure sustainable consumption and production patterns;
- (xiii) Proposed goal 13: Take urgent action to combat climate change and its impacts;
- (xiv) Proposed goal 14: Conserve and sustainable use the oceans, seas and marine resources for social development;
- (xv) Proposed goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss;
- (xvi) Proposed goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels;
- (xvii) Proposed goal 17: Strengthen means of implementation and revitalize the global partnership for sustainable development.

16. This discussion is not intended to be a comprehensive analysis, as that would require far more than the limitations of the present report will allow. Furthermore, while there is no intention to prejudge the proposed goals, some salient issues will nevertheless be pointed out for consideration where appropriate. This part of the report seeks to contribute to ongoing discussions on a development agenda beyond 2015 that is consistent with universal human rights standards, focusing on the value added to the future sustainable goals when they are framed and informed by the right to international solidarity. While bearing in mind that the proposed draft declaration is not yet in its final form, it is emphasized that the right to international solidarity is drawn from the freedoms and entitlements already codified in international human rights treaties reflecting core economic, social and cultural rights and civil and political rights, the right to development and international labour standards, complemented by other responsibilities arising from voluntary commitments and decisions in the various relevant fields at the bilateral, multilateral, regional and international levels.¹² It is thus in the context of these international instruments from which the right to international solidarity in its present draft form derives its applicability and relevance to the international human rights instruments specifically referred to in the discussion that follows.

A. Overcoming inequality and ending poverty and discrimination

17. In the absence of a definition of poverty in the proposed goals, poverty is understood to be implicit in the identified targets of proposed goal 1. Even if there is no single globally accepted definition of poverty, it should be defined not only by

¹² [A/HRC/26/34](#), annex, art. 5 (3).

how it is measured, but also by its relational and other qualitative factors. A definition of poverty is critical because it has implications on its solutions. Since value judgments are inevitable in defining poverty, there is no “correct” definition. Until recently, poverty was narrowly defined as insufficient income to buy a minimum basket of goods and services. Today poverty is understood more broadly as the lack of basic capabilities to live in dignity (E/C.12/2001/10). From a human rights point of view, and in particular in line with the International Bill of Human Rights, poverty may be defined as “... a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights” (E/C.12/2001/10). Extreme poverty has been defined as “... the combination of income poverty, human development poverty and social exclusion” (A/HRC/7/15, para. 13). These definitions imply that poverty is inherently and inextricably linked to all forms of inequality, inequity and discrimination, as well as the powerlessness experienced by those who live in poverty, reinforcing the notion that, increasingly, poverty is being conceptualized and understood as a denial of human rights.

18. Proposed goal 1 carries over from Millennium Development Goal 1, on reducing extreme poverty, which stimulated significant progress and led to poverty reduction in varying degrees in countries around the world. However, the statistics and aggregate numbers that measured progress in poverty reduction failed to capture the inequalities attendant to poverty. In a recent statement, the United Nations High Commissioner for Human Rights pointed out that it is not only poverty that matters, but also where people are in relation to each other and how wide the gaps are between them.¹³ Inequalities are rooted in deep structural divisions that perpetuate economic, social, cultural, political and other divisions among and between populations, and between countries across the globe. Inequalities can either be a cause or an effect of poverty in varying forms. Similarly inequality and poverty can either be the cause or the effect of violations, deprivations and denials of human rights. In order to move forward, genuine, people-centred development must recognize and deal with, as appropriate, the intersecting and mutually reinforcing phenomena of inequality and poverty.

19. Inequalities in wealth, power and resources exist between countries, within countries, and between men and women. Inequalities between women and men, and girls and boys, often intersect with the discriminatory gender roles assigned to them by society, in addition to other prohibited grounds for discrimination. Inequality can result from the operation of unrestrained markets and discrimination in laws, policies, practices or traditions.¹³ Gender inequality arises from discrimination against women, which, in turn, also gives rise to violence against women in all its forms. Inequality is linked to discrimination in a vicious cycle of exclusion, poverty and denial of human rights. The first target of proposed goal 5 is to end all forms of discrimination against all women and girls, and the other targets focus on other means to empower all women and girls. However, proposed goal 5 — to achieve gender equality and empower all women and girls — does not make any explicit reference in its targets to women’s rights and to the equal right of women and men to enjoy and exercise all their economic, social and cultural rights and their civil and

¹³ “Equality and Non-Discrimination: A human rights imperative for the SDGs”, statement by the United Nations High Commissioner for Human Rights, eighth session, Open Working Group on Sustainable Development Goals, 4 February 2014.

political rights. It is implausible for women and girls to be empowered, if their rights are not explicitly recognized, respected, protected and fulfilled.

20. Inequality is also evident among various groups within countries, between urban and rural communities, between regions and between countries of the world. In its targets, proposed goal 10 refers, *inter alia*, to achieving and sustaining by 2030 an income growth of the bottom 40 per cent of the population at a rate higher than the national average and the empowerment and promotion of the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status; and adopting policies to progressively achieve “greater equality”. While a number of the targets of goal 10 relate to asymmetries in fiscal, wage and social protection, none of the targets call for measures to address the structural causes that turn natural historical and cultural variations and diversities among populations and between countries into antagonisms, divisions and even conflict, and tend to widen in scope and be reproduced across generations. Target 7 of proposed goal 4, on education, calls for promoting a culture of peace and non-violence, but refers to mere “appreciation” for, rather than to respect for and protection of, cultural diversity and of “culture’s contribution to sustainable development”. It may be obvious, but it should be stressed that the adoption of policies or promoting ideas, no matter how well intentioned, cannot move a goal forward unless coupled with effective action and enforcement.

21. Overcoming inequality and ending poverty is a human rights imperative that is protected in international human rights instruments. Although the word “poverty” is not mentioned in the International Covenant on Economic, Social and Cultural Rights, the major components of this phenomenon are addressed in its provisions. The provisions on equality and non-discrimination in law and in practice are common to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.¹⁴ Taken together, these two international human rights treaties ensure the equal right of men and women to the enjoyment of all human rights, whether economic, social and cultural, or civil and political. Equality and non-discrimination are human rights principles firmly enshrined in the Universal Declaration of Human Rights and protected by international law, making them legally binding on all States. As such, equality and non-discrimination underpin the enjoyment of all human rights. The attainment of equality and the elimination of discrimination are non-derogable and are immediate obligations of States. Therefore the targets dealing with them should not fall within the time frames indicated for others, so as to align the targets with international human rights standards and international law.

22. As a fundamental human right on which other human rights intrinsically rely, the right to international solidarity must be enjoyed on the basis of equality and non-discrimination.¹⁵ This right requires States to adhere to their obligations in accordance with the international human rights treaties they have ratified.¹⁶ This right also establishes international solidarity as a new foundational principle of contemporary international law, which responds to the need for transformative

¹⁴ See art. 3 of both the International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights.

¹⁵ [A/HRC/26/34](#), annex, art. 5 (1).

¹⁶ *Ibid.*, art. 8 (2).

change encompassing the objectives of equity, equality in outcome, sustainability, security, social justice and empowerment, applicable to all developing and developed countries alike.¹⁷

23. Proposed goals 1 to 11 are interlinked and the attainment of each goal has the potential of contributing to the dismantling of the structural barriers of equality and to ending poverty. The proposed goals in this cluster deal with aspirations relevant to social and economic development that determine a way of life or a standard of living. From a human rights perspective, these aspirations transform into entitlements — the equal right of men and women to the enjoyment of all human rights, the rights to work, to an adequate standard of living, including the rights to adequate housing, adequate food, water and sanitation, to the highest attainable standards of health and to education. These rights have a direct and immediate bearing upon the eradication of poverty and overcoming the inequalities that may be entrenched in institutions and deeply rooted in social values that shape relationships within households and communities. Furthermore, a rights-based approach requires that priority attention should be accorded to the marginalized and vulnerable, including those who live in poverty whose daily experience is characterized by powerlessness, lack of choices, capabilities and opportunities.

24. The right to international solidarity calls attention to such marginalized and vulnerable groups that are frequently neglected and not taken into account or not even considered as groups at all. The right specifically identifies them as rights-holders, including local and grassroots communities that have no voice because they are unable to represent themselves or are under-represented in, and isolated from, larger civil societies and organizations; and groups in social spheres that transcend national borders such as transnational and diaspora communities, including migrants and their families.⁹ These rights-holders include indigenous peoples, many of them in remote communities living in forests, mountains and bodies of water, as their ancestor have done through generations. Their ancestral domain has been traditionally in close proximity to nature, from whose bounty they have derived their livelihood and evolved their culture and practices. Diaspora communities, including migrant workers and their families, are widely dispersed in foreign lands, away from their original country and environment, with a large number of them living in precarious conditions of informal employment in which they have no control over the circumstances that affect their present and future.

25. Proposed goal 2 and its targets aspire to end hunger, achieving food security and improved nutrition and promoting sustainable agriculture. All of these aspirations are encompassed within the right to adequate food, which is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights deals more comprehensively with this right than any other instrument. It provides for the right to an adequate standard of living that encompasses adequate food, clothing and housing, and to the “continuous improvement of living conditions” and requires that immediate and urgent measures to ensure the fundamental right to freedom from hunger and malnutrition.¹⁸ The notion of food security contained in proposed goal 2 is not the same as the right to adequate food, although food security is an important component of this right. The core content of the right to adequate food consists of the availability of food in a

¹⁷ Ibid., art. 4 (1).

¹⁸ International Covenant on Economic, Social and Cultural Rights, art. 11.

quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights (E/C.12/1999/5, para. 8). The right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights. Similarly, the right to the highest standard of health as provided for in the same Covenant is closely related to and dependent upon the realization of other human rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information and the freedoms of association assembly and movement. Proposed goal 3 targets contain determinants to physical health, but, for the most part, are silent on the determinants to the promotion of “well-being”, which, like the term poverty, is open to interpretation, since social determinants involve value judgments taking into account particular cultural, political and economic contexts.

26. Target 1.3 of proposed goal 1, on the implementation of nationally appropriate social protection systems and measures for all, including floors, and by 2030 the achievement of substantial coverage of the poor and the vulnerable is indeed a welcome indicator for ending poverty, although it should also encompass inequality. The reference to nationally appropriate social protection systems, measures and floors appropriately recognizes that each country is responsible for determining distinct policies to achieve its development objectives in the light of the particular circumstances of its social needs and fiscal constraints. However, their particular choices must be consistent with international human rights standards and the human rights treaty obligations they have ratified, as well as the international commitments and agreements they have made in various international forums. Social protection floors are defined by the International Labour Organization (ILO) as “nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion”. According to the Social Protection Floor Initiative, the social protection floor includes a basic set of essential social rights and transfers, in cash and in kind, to provide a minimum income and livelihood security for all and to facilitate effective demand for and access to, essential goods and services; and the supply of an essential level of goods and social services such as health, water and sanitation, education, food, housing, life and asset-saving information that is accessible for all. The social protection floor emphasizes the need to guarantee services and transfers across the life cycle from children to the economically active with insufficient income, to older persons, paying particular attention to vulnerable groups by considering key characteristics that cut across all age groups, gender, socio-economic status, ethnicity, disability, people living with HIV/AIDS, migrants, populations exposed and/or highly sensitive to adverse external effects such as natural hazards, extreme climate phenomena, etc.¹⁹

27. The comprehensive scope of ILO Recommendation 202 covers a wide range of possible targets listed under a majority of the proposed goals. The scope transcends the individual mandate of any single United Nations agency and requires the joint and coordinated effort of these agencies at the country level. ILO Recommendation 202 is founded on the right to social security, but encompasses the entire range of

¹⁹ See ILO Recommendation 202; available from www.ilo.org/dyn/normlex/en.

economic, social and cultural rights. Thus, the obligations attendant to the International Covenant on Economic, Social and Cultural Rights are operational for States. In this regard, the application of the right to international solidarity is also operational, in particular, article 10, paragraph 3, of the proposed draft declaration, which provides that States shall be guided by ILO Recommendation 202 concerning national floors of social protection, with a view to securing universal access to social services. In relation to target 3, under proposed goal 9, calling for increasing the access of small scale industrial and other enterprises to financial services, including affordable credit and their integration into value chains and markets, this is also protected by the same article 10 in the draft declaration on the right to international solidarity in paragraph 2, which provides that States shall promote and prioritize support for micro, small and medium community-based cooperative enterprises that generate the majority of jobs around the world, including through national and international grants and concessional loans. Cooperatives are autonomous associations of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through jointly owned and democratically controlled enterprises. They work together for the sustainable development of their communities through policies approved by their members, and serve the cooperative movement through local, national, regional and international structures. Cooperatives have a proven record of creating and sustaining employment, providing over 100 million jobs today and contributing to the promotion of decent work.²⁰ These enterprises play significant economic and social roles in their communities and would strengthen the targets of proposed goal 8 on full and productive employment and decent work for the promotion of “sustained, inclusive and sustainable economic growth”, as well as a number of the targets under proposed goals 4 and 10.

B. Building effective and accountable institutions and peaceful societies

28. The accomplishment of proposed goal 16 should be the crux of whatever means of implementation will eventually be decided in relation to the future sustainable development goals, not only with regard to its targets, but also for the rest of the proposed goals. Central to proposed goal 16 is the need to build effective and accountable institutions, and peaceful societies, at the national, regional and international levels. The conception of “the rule of law”, which is referred to under this proposed goal, can vary among scholars and, in this context, it can essentially be formal and narrow. For the purposes of the present report, the rule of law is understood along the lines of a statement by the Secretary-General when he defined the rule of law as: “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (S/2004/616, para. 6)”. All the principles mentioned in this definition are equally important and relevant to the proposed goals, but given the limitations of this

²⁰ See www.ilo.org/empent/units/cooperatives/lang--en/index.htm.

discussion, three principles are given emphasis: governance, specifically, good governance — accountability, and participation in decision-making. These three principles are essential to attaining the targets and reaching the proposed goals.

29. Good governance can be simply defined as the exercise of authority through political and institutional processes that are transparent and accountable, and that encourage public participation.²¹ The rule of law as defined above requires the establishment of a set of institutions, laws and practices to prevent the arbitrary exercise of power. However, these institutions and processes are not always effective, owing to a number of issues, including corruption, and thus fail to prevent the arbitrary exercise of power, and as a consequence the failure to deliver on development goals. Good governance is implicitly linked to human rights standards, for example, in ensuring access to basic services, including adequate housing and upgrading slums, target 1 under proposed goal 11, and to facilitating orderly, safe, regular and responsible migration through policies that are planned and managed in a manner consistent with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Good governance is a precondition to the effective protection of the environment in general and to achieving institutional capacity on climate change mitigation, adaptation, impact reduction and early warning in particular, as called for in proposed goal 13, and the prevention and reduction of marine pollution of all kinds, particularly from land-based activities required by target 1, under proposed goal 14.

30. Accountability is a complex issue whose definition has to be narrowed for the purposes of this discussion. From a human rights perspective, accountability refers to the obligation of actors, principally the State, to take responsibility for the impact of their actions or inactions on people's lives, to be answerable for them and to be subject to some form of enforceable sanction if their conduct has an adverse effect on the enjoyment of human rights. To demand accountability from policy makers and other actors in this regard contributes to moving development imperatives from the realm of charity to that of obligation, thus making it easier to monitor progress. While the State itself, as the principal duty bearer, determines the appropriate mechanisms of accountability, such mechanisms must be accessible, transparent and effective. Broadly speaking, there are four categories of accountability mechanisms: judicial, such as judicial review of executive acts and omissions; quasi-judicial, such as national human rights institutions and international human rights treaty bodies; administrative, such as the preparation, publication and scrutiny of human rights and environmental impact assessments; and parliamentary, such as parliamentary processes.²² While an accountability mechanism provides for the right to an effective remedy before a domestic body and reparation of some form, it does not necessarily imply punishment.²² Nevertheless, a remedy is effective only if the respective domestic authority has the competence to grant reparation, which can be of various possible types, depending on the seriousness of the offense. In addition, States should ensure that the competent authorities enforce such remedies when granted.²² Accountability gives substance to building effective institutions of

²¹ Office of the United Nations High Commissioner for Human Rights, *Good Governance Practices for the Protection of Human Rights* (United Nations, sales publication No. E.07.XIV.10).

²² Office of the United Nations High Commissioner for Human Rights, "Principles and guidelines for a human rights approach to poverty reduction strategies".

good governance, and should thus be integrated into the means of implementation of the entire sustainable development agenda, in a holistic manner.

31. The draft declaration on the right to international solidarity informs the concept of good governance and accountability. It states that the duty-bearers of the right to international solidarity shall be primarily the States, as well as non-State actors working with peoples and individuals, and, as such, also bear responsibilities, many of which may be similar and complementary to the duties of States; that States should adhere to their obligations in accordance with the international human rights treaties they have ratified, and to the commitment and decisions they have agreed to on the regional and international levels; that non-State actors should abide by their ethical responsibilities and codes of conduct, and respect the right of peoples and individuals to international solidarity; and that States and non-State actors alike shall be guided by the principles on which international solidarity is founded.²³ In addition, it requires States to establish an appropriate institutional framework and adopt domestic measures to give effect to the right of peoples and individuals to international solidarity, in particular by ensuring and facilitating access for everyone to domestic and international legislative, judicial or administrative mechanisms;²⁴ so that they may exercise their right to seek and obtain redress where failure by States to fulfil their commitments made at the national, regional and international levels results in the denial and/or violation of human rights; and to seek and obtain redress where the actions and omissions by non-State actors at the national, regional and international levels adversely affect the exercise and full enjoyment of their human rights.²⁵

32. Participation is premised on the notion that the proposed goals should be country-driven and country-owned, and implies ownership of the initiatives by the Government and all relevant stakeholders. There is no blueprint for participation because it plays a role in many different contexts and for different purposes. Participation can be broadly defined as the process by which stakeholders influence and share control over priority setting, policymaking, resource allocations and/or programme implementation. Participation in the planning and implementation of programmes to achieve the targets of the proposed goals is therefore critical, especially at the community level, in both urban and rural settings, the frontline where best practices can drive the impetus to move forward, including in programmes that relate to food security and sustainable agriculture, protecting the environment, safeguarding the cultural and natural heritage, sustainable consumption and production patterns, resilience and adaptive capacity to climate related hazards and natural disasters, protecting marine and coastal ecosystems, ending overfishing, management of forests and halting biodiversity loss.

33. The right to international solidarity requires States to take appropriate, transparent and inclusive actions to consult their populations, and to fully inform them of the decisions agreed upon at the national, bilateral, regional and international levels, in particular on matters that affect their lives.²⁶ States should adopt and effectively implement policies and programmes targeted to the protection and promotion of, inter alia, "... the right to participate fully and freely in decision-

²³ A/HRC/26/34, annex, art. 8 (2) and (3).

²⁴ Ibid., art. 10 (1).

²⁵ Ibid., art. 7 (h) and (i).

²⁶ Ibid., annex, art. 9 (2).

making from the local to the international levels”.²⁷ Peoples and individuals have the right to form, join, interact with and participate in organizations, associations, networks and groups on the local, regional and international levels, “for the purposes of advocating and influencing policy decisions and outcomes that affect them”²⁸ and to contribute, individually or in association with others, to the development of the cultural life of the communities to which they freely choose to belong, at the national, regional and international levels.²⁹

34. Climate change is a compelling issue that has captured world attention for its sheer force and magnitude. The effects of climate changes are manifested by extreme weather events that are dramatically changing the contours of land and seas, disrupting even the most stable economies and, most of all, causing the loss of lives and changing countless more. Climate change affects all populations in all countries, but the most vulnerable populations are those who live in poverty in developing countries. A future development agenda must confront and realistically anticipate that the impact of climate change can reverse in an instant all the progress in the development field that takes years to achieve and cause poverty levels to spike. Proposed goal 13 seeks to take “urgent action” to combat climate change and its impacts, but its targets do not reflect the sense of urgency in the actions it prescribes. This reticence may possibly derive from the acknowledgement that “the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change”. Whatever limitations exist circumstantially, a future sustainable development agenda must establish safeguards to address the social, economic and environmental risks and consequences brought about by climate change. The right to international solidarity requires the active participation of peoples most affected by climate change, and for States to respect their right, carefully listen to their voices and to learn and find solutions from their experiences.

C. International cooperation: strengthening implementation and revitalizing global partnerships for sustainable development

35. Goal 8 of the Millennium Development Goals — develop global partnership for development — which focuses for the most part on what rich countries can and should do, has by far received the least attention for reasons too complex for this report to discuss. It can be said, however, that while goal 8 covers a range of aspirations, unlike the other Millennium Development Goals, it does not include a list of specific time-bound targets, making it harder to hold countries to account. Even the United Nations MDG Gap Task Force found it difficult to find areas of significant progress in relation to goal 8.³⁰ The use of the term “revitalize the global partnership” in the current proposed goal 17 arguably derives from the apparent lack of progress on goal 8 in the Millennium Development Goals framework. The illustrative goals recommended by the High-level Panel, on the one hand, do not explicitly refer to a global partnership, but all the targets under illustrative goal 12 — to create a global enabling environment and catalyse long-term

²⁷ Ibid., art. 9 (3).

²⁸ Ibid., art. 7 (c).

²⁹ Ibid., art. 7 (g).

³⁰ *The Global Partnership for Development: Making Rhetoric a Reality* (United Nations, sales publication No. E.12.I.5).

finance — imply global action. The targets relate to the global financial system, the trading system, official development assistance, tax evasion, science, technology, innovation and development data and holding down the increase of global average temperatures. On the other hand, the targets under proposed goal 17 directly refer to finance, technology, capacity-building, trade, policy and institutional coherence, multi-stakeholder partnerships, data, monitoring and accountability, along the lines of the outcome document of the United Nations Conference on Sustainable Development.

36. This analysis considers global partnership within a broader frame of reference: international cooperation, a core feature of international solidarity³¹ that reaches beyond international cooperation among States and their international organizations, to also include actions between and among peoples and individuals and their collective actions to achieve common goals. The Charter of the United Nations in its Article 1 states that one of the purposes of the United Nations is to “achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms”. The notion of rights in this connection is derived from article 22 of the Universal Declaration of Human Rights, which states: “Everyone ... is entitled to realization, through national effort and international cooperation ... of the economic, social and cultural rights indispensable for his dignity and free development of his personality”. This same articulation is also found in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. International cooperation and assistance is an element of the right to development that was affirmed in the 1993 Vienna Declaration and Programme of Action. In paragraph 11 of the outcome document of the United Nations Conference on Sustainable Development, States reaffirmed their commitment to “strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular to developing countries”.

37. International cooperation as a core feature of international solidarity is a key mechanism for realizing the right to international solidarity. The central purpose of the right to international solidarity is the creation of an enabling environment for the realization of human rights that may only be achieved through the collective action and international agreement of States. Fundamentally, the right to international solidarity goes beyond the concept and the practice of international cooperation and assistance, as in the case of official development aid, charity or humanitarian assistance. Rather, the proposed draft declaration articulates the right to international solidarity as much broader, encompassing a comprehensive and coherent conceptual and operational framework to regulate a spectrum of global governance issues, beyond the more limited instances of international cooperation in the development field. Beyond just international cooperation, the right to international solidarity requires the deployment of preventive solidarity aimed at proactively preventing and removing the root causes of inequalities between developed and developing countries and the structural obstacles that generate poverty worldwide, and creating an overarching enabling environment where all human rights can be progressively realized. Preventive solidarity, another core feature of international solidarity, is essential in achieving both intergenerational and

³¹ [A/HRC/26/34](#), annex, art. 3 (b).

intra-generational solidarity and is a vital component of the duty of States to provide and seek international cooperation and assistance in the implementation of their human rights obligations particularly their core obligations.³²

38. The right to international solidarity represents a multidirectional, rather than a one-way, deployment of action, obligation and accountability across both developed and developing countries. As such, the right supports a kind of purposive cooperation whereby international agreements between States should be consciously oriented towards the benefit of peoples through the realization of rights, and requires that States comply with certain positive and negative obligations in their collective actions. In responding to global challenges, the right to international solidarity requires that international cooperation and global partnerships between and among States must ensure that the outcomes of agreements must be fully compliant with existing human rights obligations of States;³³ States are required to refrain, in their actions of international cooperation, from imposing conditions that would hinder the realization of human rights; and, international cooperation is based on equal partnerships, mutual commitments and obligations and mutual accountability.³⁴ The proposed draft declaration on the right to international solidarity extends its application beyond the official actions of State actors to also encompass the actions across borders undertaken together by peoples and individuals such as grassroots communities and transnational advocacy networks.³⁵

39. As articulated in the proposed draft declaration, the right to international solidarity requires that States take measures to ensure the coherent and consistent application of their international human rights obligations across their international policymaking processes. The obligation of States relating to international cooperation should be understood and respected by their representatives to international negotiations on relevant issues. States should remember that international human rights obligations represent the minimum threshold below which no one in their jurisdictions should fall²² and that their international development assistance should therefore support partner States to fulfil their international and national human rights obligations.

V. Conclusion

40. The 2013 report of the High-level Panel of Eminent Persons noted with a sense of optimism that when the Millennium Development Goals were adopted in the 2000, Governments, international agencies and civil society organizations worldwide rallied behind the goals in the spirit of international solidarity. Working together, they contributed to the remarkable achievements during the past 13 years: there are now half a billion fewer people living in extreme poverty; about 3 million children's lives saved each year; four of five children now get vaccinated for a range of diseases; maternal mortality gets the focused attention it deserves; deaths from malaria have fallen by one quarter; contracting HIV is no longer an automatic death sentence; and, in 2011, a record number of 590 million children in developing countries attended

³² Ibid., art. 3 (a).

³³ Ibid., arts. 8 (2) and 9 (1).

³⁴ Ibid., art. 11 (2).

³⁵ Ibid., art. 9 (3) (4) (5).

primary school.⁴ The message is that a new development agenda should not start from scratch because, despite the achievements, there is still much unfinished business. In this light, we honour what has been accomplished through the Millennium Development Goals by picking up from where they will leave off by 2015, and continue to bring the achievements forward through the future sustainable development goals.

41. The Independent Expert expresses her appreciation to the High-level Panel of Eminent Persons and the Open Working Group for their valuable work on the sustainable development illustrative goals and the proposed goals, respectively, and welcomes their reaffirmation of the importance of the Universal Declaration of Human Rights and international instruments relating to human rights and international law,³⁶ reflecting the common vision of the United Nations Conference on Sustainable Development.

42. The outcome of their work was, for the most part, the basis of the present report of the Independent Expert, which seeks to contribute to the ongoing process of formulating the future sustainable development goals that are consistent with universal human rights standards, focusing on the value added to those goals when they are framed by the right to international solidarity. The right to international solidarity represents a comprehensive and cross-cutting right with the ability and potential to shape sustainability in international relations, especially international economic relations, in equal partnerships and in the equitable sharing of benefits and burdens at a deep and transformative level, which is the clarion call for strengthening implementation and revitalizing global partnerships to achieve the future sustainable development goals.

43. The suggestions relating to the goals in the above discussion are far too numerous to enumerate at this point, but it bears noting that a number of them arise from the apparent disconnect in the formulation of the proposed goals from the claim that “people are at the centre of sustainable development”.³⁷ The proposed goals, as they are currently formulated, give the impression of people being passive beneficiaries, rather than active agents of transformative change, upon whose active participation critically lie the success and sustainability of development efforts. For example, no reference is made regarding the free and prior informed consent of indigenous peoples, which empower them to guard against the degradation of the forests and natural bodies of water where they live in close proximity, constituting the first line of defence in coping with natural hazards and mitigating the negative effects of climate change related extreme weather events. Migrant workers are mentioned in the targets only in terms of their mobility, not taking into account their contributions to the real economy of their own countries and their host countries, and the need to address their situation of vulnerability to exploitation and oppression. The rights to food, housing, health and education are mentioned in abstract terms and not in the context of how these rights relate to rights-holders. To be truly people-centred, the future sustainable development goals should directly refer to, rather than merely imply, human

³⁶ Introduction to the proposal of the Open Working Group for Sustainable Development Goals, para. 7.

³⁷ Ibid., para. 4.

rights. In its current form the proposed goals do not contain explicit references to women's rights, indigenous peoples' rights and the rights of migrant workers and their families, among others.

44. The Independent Expert recognizes that in setting the agenda, there are no blueprints and that one size does not fit all. Hence, indeed there should be space for national policy and adaptation to domestic settings guided by the "overall vision and its underlying principles", but these should be consistent with international law. In this context, the integration of accountability mechanisms into the future sustainable development goals is imperative. The Independent Expert calls on States to be mindful of their already existing human rights obligations, which they voluntarily accepted upon ratifying the various international human rights treaties. It is therefore incumbent upon them, and in their best interests, that the goals should be consistent with and grounded on human rights so that the achievement of those goals would at the same time be in fulfilment of their human rights treaty obligations.

45. The above discussion and observations constitute a reasoned argument for a rights-based future sustainable development agenda, through the application of the emergent right to international solidarity that encompasses the comprehensive scope of such an agenda, at the international and national levels. The Independent Expert, recognizing that the achievement of the future sustainable development goals, requires international solidarity, draws a few insights and illustrative points from the proposed draft declaration on the right to international solidarity and offers them as recommendations for consideration in taking the way forward.

46. Respect for human rights and the rule of law require effective and accountable institutions at all levels, from the national and regional levels to the international level. In the elaboration and implementation of their international agreements, States should ensure that the procedures and outcomes are fully consistent with their human rights obligations in matters pertaining to, inter alia, international trade, investment, finance, taxation, climate change, environmental protection, humanitarian relief and assistance, development cooperation and security.

47. A United Nations development agenda calls for the coherent and consistent application of international human rights obligations across the international policymaking processes to guide the goals. For example, the obligation of States relating to international cooperation should be respected and fully taken into account by State representatives in the field of international relations; for example, those in finance and trade during international negotiations on relevant issues, and by State representatives who are responsible for multilateral development policies and projects, including those who are in the international financial institutions.

48. The United Nations is in a position best suited to provide the platform for reporting and review through a strengthened monitoring and accountability framework that will build on the work already being done by the United Nations human rights treaty bodies and the special procedures of the Council. Such a platform should ensure the active and meaningful participation of civil society, including non-governmental organizations, the private sector, media

and other relevant stakeholders, especially the youth to whom the future belongs.

49. Implementation of the goals at the national level requires the State to support and enable a robust, vibrant civil society to be its partner in government efforts for service delivery and advocacy, and in promoting accountability of all actors in the implementation of the future sustainable development goals.

50. International cooperation is a duty of States and targeted to the primary responsibility of each State to implement its human rights obligations on the national level. States should establish and implement appropriate mechanisms to ensure that international cooperation is based on equal partnerships and mutual commitments and obligations where partner States are accountable to each other as well as to their respective constituents at the national level. Global partnerships, when positioned within this broader frame of international cooperation, could regain some of the momentum and credibility lost within the Millennium Development Goal 8 framework.

51. The Independent Expert reaffirms her observation that, despite invocations of human rights that come so easily to the fore when violations occur or are undeniably evident, the true value of human rights as a positive intervention in the scheme of world affairs continues to be in the realm of abstraction and lip service. Recognizing that we have been remiss in this regard would be a genuine paradigm shift and taking corrective action would indeed be the one transformative shift that would affect any and all future sustainable development goals.
