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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, Virginia Dandan

Summary

The Independent Expert on human rights and international solidarity, Virginia Dandan, submits the present report pursuant to Human Rights Council resolution 26/6. The report provides a summary of activities undertaken by the Independent Expert during the reporting period with the aim of raising awareness of the proposed draft declaration on the right of peoples and individuals to international solidarity in particular, and on promoting international solidarity in general.

The main feature of the present report is the conceptualization in human rights terms of international solidarity in the context of the proposed draft declaration. This is the first time that international solidarity is being examined in the light of the text of the proposed draft declaration on the right of peoples and individuals to international solidarity.

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I. Introduction

1. In its resolution 26/6, adopted at its twenty-sixth session, the Human Rights Council, decided to extend the mandate of the Independent Expert on human rights and international solidarity, and noted with appreciation the proposed draft declaration on the right of peoples and individuals to international solidarity set out in the annex to her report (A/HRC/26/34). The Council also decided that, in order to obtain input from as many Member States as possible on the proposed draft declaration, the Independent Expert should convene regional consultations and/or workshops, and requested the Office of the United Nations High Commissioner to assist her in organizing those gatherings. In the same resolution, the Council also requested the Independent Expert to consolidate and consider the output from all the regional consultations; to submit to it, at its thirty-second session, a report on those consultations; and to submit to the Council and the General Assembly, before the end of her second term, a revised draft declaration.

2. In her report to the General Assembly at its 69th session (A/69/366), the Independent Expert explored the application of the provisions of the proposed draft declaration to the illustrative goals recommended by the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, together with the sustainable development goals proposed by the Open Working Group of the General Assembly on Sustainable Development Goals. Her brief analysis was written with a view to contributing to the current process of formulating the future sustainable development goals to ensure that they are consistent with universal human rights standards, focusing on the value added to the goals when they are defined and informed by the right to international solidarity.

A. Activities undertaken during the reporting period

3. Pursuant to other requests reiterated by the Council in its resolution 26/6, the Independent Expert has continued to pursue her mandated activities. They include participation in relevant international forums and major events with a view to promoting the importance of human rights and international solidarity, particularly in the implementation of the Millennium Development Goals and the United Nations development agenda beyond 2015. The Independent Expert closely followed and actively participated in activities and initiatives relating to the post-2015 development process, including those relating to climate change, in various conferences and consultations at the international and regional levels.

4. In August 2014, she was invited to speak in the session entitled “Accountability and a renewed global partnership” during the Asia-Pacific Regional Consultation on Accountability for the Post-2015 Development Agenda, held at the United Nations Conference Centre in Bangkok. The expected output of the consultation was a set of recommendations on how global partnerships could be made more effective and accountable, and how such partnerships could benefit from regional platforms. During the discussions, the Independent Expert stressed that effective global partnerships in the context of the post-2015 development agenda should be grounded in human rights standards and that States’ human rights accountability was already set forth in the international human rights treaties that they had ratified.

5. The Independent Expert also had an opportunity to highlight once again the need to integrate human rights throughout the sustainable development processes and outcomes when she was invited by the United Nations Economic and Social Commission for Asia and the Pacific to speak as a panellist at the Expert Group Meeting on Macroeconomic Prospects, Policy Challenges and Sustainable Development in Asia-Pacific, held in December 2014 in Bangkok. The expert group meeting brought together development

experts from the region and beyond to provide new regional perspectives for policy options which Asian and Pacific countries could adopt to meet their development objectives. The Independent Expert participated in discussions focused on the strategies needed to improve the economic, social and environmental aspects of economic growth that are simultaneously people-centred and inclusive, dynamic and resilient, and within the capacity of the earth and its resources; overcoming the fundamental barriers to the integration of the economic, social and environmental dimensions that support people-centred sustainable development; and the key steps required to turn trade-offs between the economic, social and environmental dimensions into synergies.

6. The Independent Expert attended the World Conference on Indigenous Peoples and the Climate Change Summit, which were held simultaneously during the opening week of the sixty-ninth session of the General Assembly, in September 2014, with a view to gathering more recent data relevant to the proposed draft declaration on the right to international solidarity. She was invited to participate in the Leaders' Forum on Women Leading the Way: Raising Ambition for Climate Action, an event hosted by UN-Women and the Mary Robinson Foundation – Climate Justice. Current and former women heads of State, representatives of governments, leaders of grassroots, youth and indigenous organizations, civil society, the private sector, the scientific community and the United Nations system were gathered together to demonstrate women's leadership on climate action and highlight gender-responsive action taken at both the local and national levels. The forum's outcomes were intended to feed into the Secretary-General's Climate Change Summit, which was aimed at mobilizing action by governments, business, the financial sector and civil society to enable the world to shift towards a low-carbon economy.

7. In November 2014, the Independent Expert, at the invitation of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, participated as a speaker and resource person during the Commission's workshop on the theme "Regional mechanisms: "best practices on implementation of human rights", which was held with a view to creating a platform for exchanging and sharing experiences, best practices and lessons learned among representatives of regional human rights mechanisms around the globe and other relevant stakeholders, including representatives of government agencies, national human rights institutions, United Nations agencies and civil society organizations. The workshop was convened with a view also to enhancing and regularizing cooperation between the Commission, other regional mechanisms and other stakeholders for the better promotion and protection of human rights in the ASEAN subregion, which was to be integrated into a single economic community by the end of 2015. During the discussions, the Independent Expert spoke on experiences and challenges in developing and implementing regional norms, standards or instruments and on the way forward for cooperation between the regional mechanisms and the United Nations agencies and treaty bodies.

B. Context of the present report

8. At recent events in various parts of the world, opposing interest groups have been using the term "solidarity" loosely, rendering the term and, by association, the concept of "international solidarity" vaguer or more ambiguous than they already are. This ambiguity gives rise to the need to limit the possible interpretations of the term that may be applied on the various occasions when the term may be used In the present report, the Independent Expert discusses how the term "international solidarity" as a principle underpinning international law should be understood in the context of the proposed draft declaration on

the right of peoples and individuals to international solidarity. In the preamble to the proposed draft declaration, the Independent Expert defines and clarifies the concept of international solidarity,[1] its value and significance. Although reviews of international solidarity has been undertaken in the past, including by the present mandate holder's predecessor, this is the first time that international solidarity has been examined with reference to the text of the proposed draft declaration on the right of peoples and individuals to international solidarity.[2] In that it expounds the concept of international solidarity, the present report will also be of use for the series of regional consultations being held in 2015 as mandated by the Human Rights Council in resolution 26/6.

9. It is not the intention of the Independent Expert in the present report to trace the historical pathways that international solidarity has taken over the decades since the term was first used in a socialist context in the 1890s. Instead, she focuses on the concept of international solidarity in human rights terms, in line with the mandate on human rights and international solidarity established by the Commission on Human Rights, the predecessor of the Human Rights Council.

10. In the present report, the Independent Expert responds to issues around the question as to what international solidarity is and what it is not, in the context of the proposed draft declaration. In view of the limitations on the length of the present report, the core features of international solidarity—preventive solidarity and international cooperation—will be discussed further in subsequent reports. The proposed draft declaration on the right of peoples and individuals to international solidarity itself will be closely and critically analysed in the forthcoming series of regional consultation workshops to be convened in 2015 and early 2016, and the outcome will be described in the Independent Expert's subsequent reports.

II. Human rights and international solidarity

A. Attributes of international solidarity

11. The principle of solidarity has been given prominent attention in international law, notably in the writings of Karel Wellens, in which it was analyzed in the light of the "common responsibilities of States, international organizations, peoples and nations, and civil society."[3] It has been said and rightly so, that the principle of solidarity is a concept that progressively moves forward in asserting common rights and responsibilities and in the shaping of an international community, representing values to be attached, as a whole, to the life of present and future generations, and to the development of a democratic and equitable international order.[4]

12. When she first took up her mandate, the present Independent Expert spoke of solidarity as a persuasion that combines differences and opposites, holding them together in

[1] See final paper on human rights and international solidarity, prepared by Chen Siqiu on behalf of the drafting group on human rights and international solidarity of the Human Rights Council Advisory Committee (A/HRC/21/66), paras. 11–14.

[2] See A/HRC/26/34, annex, for the full text of the proposed draft declaration on the right of peoples and individuals to international solidarity.

[3] T. Van Boven, "The right to peace as an emerging solidarity right", in *Evolving Principles of International Law* (Leiden, Martinus Nijhoff Publishers, 2012), p. 137.

[4] Ibid., p. 138.

one heterogeneous whole, imbuing that whole with the universal values of human rights.[5] She continues to maintain that solidarity is a positive force in the lives of people and nations and that it should be protected from exploitation and corruption, most importantly at the international level, across national boundaries and cultural diversities. International solidarity should be explicitly linked with human rights if it is to be true to the purposes of the United Nations, and if it is to be the engine that will drive the international community's collective actions to overcome the common challenges, risks and threats faced by nations and peoples and achieve the transformative changes that are imperative in these troubled times.

13. The proposed draft declaration provides that international solidarity shall be understood as the convergence of interests, purposes and actions between and among peoples, individuals, States and their international organizations to achieve the common goals that require international cooperation and collective action in order to foster peace and security, development and human rights. This requires that States respect the human rights standards set forth in the international human rights treaties that they have ratified, and comply with their existing treaty obligations. It also implies that non-State actors should be guided in their activities by codes of conduct to prevent harm. International solidarity carries with it the precondition of compliance with duties and obligations for actors who come together to act collectively. International solidarity should not therefore be misconstrued as relating in any way to collective action by States that result in the contravention of any of the international human rights treaties to which they are parties. Nor is international solidarity related to any form of collective action undertaken by non-State actors the outcome of which may be, for example, to cause or perpetuate inequality, discrimination and exclusion among or between the individuals, groups and peoples with whom they work.

14. The Independent Expert holds the view that, given the disturbing conflicts and discord ongoing in many parts of the world, it is important to reconsider whether and how solidarity is indeed advancing rights and responsibilities as it influences the shaping of the international community. The time is appropriate, while the proposed draft declaration is still in the form of a proposal, to identify and rethink the attributes of international solidarity in human rights terms, a facet that is often neglected or ignored. There is a need to re-examine the issues that persist around international solidarity, this time taking fully into account the new dynamics that are rapidly changing the present global realities. The challenges that confront the world today cannot be addressed using the previous perspectives, which may no longer be relevant or applicable. The Independent Expert reiterates what she has pointed out a number of times in the past: that international cooperation is a key mechanism for international solidarity, but that international cooperation is not the same as international solidarity. In the report on the enhancement of international cooperation in the field of human rights prepared by the Human Rights Council Advisory Committee, a definition of international cooperation is not given but merely implied, with a detailed description of its practice and conceptual ramifications. For example, the report quotes the following text from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations: "States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare

[5] V. Dandan, as cited by S. Puvimanasinghe in "Understanding the right to development" in *Realizing the Right to Development* (Geneva, United Nations, 2013) p. 205.

of nations and international co-operation free from discrimination based on such differences (A/HRC/AC/8/3, para. 12)."

15. The proposed draft declaration defines international solidarity as a much broader principle, 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. For example, international solidarity requires the deployment of preventive solidarity aimed at proactively preventing and removing the root causes of inequalities between developed and developing countries, as well as the structural obstacles that generate poverty. International solidarity represents a multi-directional—rather than a one-way—deployment of action, together with the corresponding obligation and accountability, thus creating a nexus of intersecting elements that would bring about an enabling environment where human rights can be exercised and enjoyed by individuals, groups and peoples.

16. International solidarity is a foundational principle underpinning the three pillars of the Charter of the United Nations : peace and security, development and human rights. The Charter distinctly reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. The Charter is a testimony to the determination of States to establish the conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; to promote social progress and better standards of life in greater freedom; and to employ international machinery for the promotion of the economic and social advancement of all peoples.[6] Accordingly, international solidarity should be understood within the context of the conditions that States are bound to maintain, and not otherwise. The Charter of the United Nations needs to be revisited as often as necessary, as a reminder of its timeless vision, given the evolving needs of a changing world. Article 1 of the Charter, articulating the purposes of the Organization, implicitly calls for international solidarity to undertake effective collective measures for the prevention and removal of threats to peace. Article 1 also calls for international cooperation in solving international problems of an economic, social, cultural or humanitarian character, through international cooperation. The Independent Expert interprets this article as consistent with the view that international cooperation is a key mechanism of international solidarity.

17. The Universal Declaration of Human Rights recognizes the equal and inalienable rights of all members of the human family (preamble), and asserts that all human beings are born free and equal in dignity and rights and that everyone is entitled to a social and international order in which rights and freedoms can be fully realized (art. 28). The civil, political, economic, social and cultural rights that are enshrined in the Declaration have been codified in various international human rights instruments which the majority of States have ratified. The Declaration and international solidarity are mutually reinforcing since, while the Declaration is one of the pillars upon which international solidarity is built, international solidarity has been, throughout the history of the modern human rights movement, among the most powerful and essential tools of advocates and activists seeking to advance the vision embodied in the Declaration (see A/HRC/21/44/Add.1, para. 4).

18. A number of articles in the Declaration are of particular relevance to international solidarity, such as article 1, which provides that all human beings "are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"; article 22, which provides that as a member of society, everyone is entitled to the realization "through national effort and international cooperation and in accordance with the organization and

[6] Charter of the United Nations, preamble.

resources of each State, of the economic, social and cultural rights indispensable for his (the person's) dignity and the free development of his personality"; article 27, which provides that everyone has the right "freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits"; and article 29, which provides that everyone "has duties to the community in which alone the free and full development of his personality is possible". The preamble and the above-mentioned articles of the Declaration shape the contours of international solidarity as both a principle and a right of peoples and individuals. They also reinforce the idea of international solidarity as an instrument that responds to the existing imperative to establish the conditions under which all individuals and peoples can enjoy and realize their human rights. It is in addition the engine for international assistance and cooperation towards the effective implementation of sustainable development.

19. While international solidarity has instrumental value, it is also an end in itself. It is instrumental in that it draws attention to interdependency and the need for collective action, but is at the same time a guide for the collective action of States towards the desired outcome of international solidarity for the full realization of all human rights (A/HRC/21/44/Add.1, para. 20). This is consistent with the affirmation by the Human Rights Council that international solidarity is not limited to international assistance and cooperation, aid or humanitarian assistance; that it 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 (resolution 18/5, para. 2). The Council's statement implicitly refers to international solidarity as a foundation of the three pillars of the United Nations: peace and security, development and human rights.

B. International solidarity in action

20. International solidarity recognizes that collective action affecting human rights is not limited to activities undertaken by governments and international organizations alone. Such action also includes that by non-State actors, such as civil society and its organizations, acting in the civil, political, economic, social or cultural fields, whether in the international arena or within the internal processes of their societies. International solidarity requires that human rights standards should guide the policies and practices of State and of non-State actors alike when these affect the individuals, groups and peoples, within or outside their territories.[7] The paragraphs that follow provide a few examples that illustrate international solidarity as practised among States and non-State actors.

21. It has been observed that the overwhelming expression of international solidarity by States[8] is apparent not only in the adoption of the Universal Declaration of Human Rights in 1948 but also in the multitude of commitments and pledges relating to human rights and development to which States have agreed, such as the Declaration on the Right to Development in 1986, the Vienna Declaration and Programme of Action in 1993, the Copenhagen Declaration and Programme of Action on Social Development in 1995, the Beijing Declaration and Platform of Action in 1995 and the Millennium Declaration in 2000, not to mention the numerous declarations and decisions that have been agreed upon in various United Nations international conferences and regional summits. International solidarity is manifested among States when their collective action has a positive impact on

[7] C. Beitz, "Human rights as a common concern", in *The American Political Science Review*, Vol. 95. No. 2. (June, 2001), p. 277.

[8] See Human Rights Council resolution 15/13, para. 8.

the exercise and enjoyment of human rights by peoples and individuals within and outside their respective territories upon the actual implementation of the commitments and decisions made between and among them at the regional and international levels. International solidarity permeates the vision and purposes of the various United Nations specialized agencies, and is reflected in their programmes and activities. More importantly, the outcomes of such programmes and activities substantiate their impact on the ground.

22. International solidarity is just as evident on the part of peoples, groups, and civil society and their organizations, which establish forums and platforms domestically and transnationally at which actors in different situations and geographical locations can peacefully share, discuss and disseminate information, interact with each other, negotiate—formally or informally—and advance their social, cultural and political interests in order to foster respect for, and protection and fulfilment of, all human rights on the basis of equality and non-discrimination. The work of non-State actors becomes even more significant and productive when they complement the efforts of States through their own activities. The initiatives around the Millennium Development Goals are a notable example. Since the Goals were adopted in 2000, governments, international agencies and civil society organizations worldwide have worked together and contributed to remarkable achievements. Although much more needs to be done, there are now half a billion fewer people living in extreme poverty; the lives of about 3 million children have been saved each year; four out of five children are now vaccinated for a range of diseases; maternal mortality is now receiving the focused attention it deserves; deaths from malaria have fallen by one quarter; contracting HIV no longer constitutes a death sentence; and, in 2011, a record 590 million children in developing countries attended primary school.[9]

23. The Global Forum for Migration and Development is arguably the world's foremost dialogue opportunity for civil society organizations and governments to discuss international migration and development at the international level. The Forum was established in Brussels in 2007 and is a State-led voluntary process outside the United Nations system at which policymakers and stakeholders from countries all over the world participate in meetings, notably the annual meetings, to discuss the relationship between migration and development, share experiences and forge practical cooperation. Although State-led, civil society has been directly engaged in the Forum from the beginning. At its annual meeting, the Forum produces a number of recommendations for governments to pursue, including those put forward by civil society during the Civil Society Days, prior to the government meeting.[10] The Platform for Partnership, a feature of the Forum, is an online initiative that highlights government policies and practices that have been inspired by recommendations from civil society. The online platform facilitates the dissemination of information, communication and exchanges between stakeholders, who share their experiences and the outcomes of migration and development projects that have emerged from the recommendations and that they have adapted to their own situations.

24. International solidarity has enduring significance in the conduct of international affairs and is critical in ensuring that global challenges such as epidemics and public health crises are approached and managed in such a way that the burdens and the financial responsibilities are distributed fairly, in accordance with the principles of equity and social justice. The alarming spread of HIV/AIDS has challenged the development, progress and stability of societies, calling for a exceptional and comprehensive global response.[11] The crisis has united the international community in an unprecedented manner: few other

[9] United Nations, *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development* (2013).

[10] See http://gfmdcivilsociety.org.

[11] See Security Council resolution 1983 (2011).

challenges have generated a similar set of reactions.[12] Multiple stakeholders and partners, including the United Nations, governments and civil society organizations, have laboured, and continue to do so, in a spirit of shared and global responsibility, to combat the epidemic. The disease spurred local initiatives for the protection of the human rights of the most vulnerable and disadvantaged peoples and prompted remarkable international solidarity between the global north and the global south.[13]

25. The challenges that arise from epidemics such as HIV/AIDS demand that peoples, nations and the international community tackle governance differently, to yield positive outcomes, while at the same time taking fully into account respect for, and protection of, human rights. The nature of the disease and the scale of the epidemic have spurred governments and local people to be more responsible and resourceful in governing themselves in order to ensure that national priorities are aligned with shared international commitments, not only to combat HIV/AIDS but also to promote health, development and human rights. In 1987, the World Health Organization (WHO) took on the lead responsibility for AIDS in the United Nations and set up the Special Programme on AIDS, which subsequently became the Global Programme on AIDS. In response, an unprecedented 160 countries rapidly set up national programmes to combat HIV/AIDS.[14] As a national priority in the worst affected countries, the programmes for the treatment of the disease were expanded to include prevention, along with social support for affected groups down to the community level. It was at that point that the direct repercussions of AIDS on social, cultural and economic development became apparent. HIV/AIDS was not simply a disease but a social and economic handicap that hindered development. The need for a broader response at the international level led to the creation in 1995 of the Joint United Nations Programme on HIV and AIDS (UNAIDS), whose establishment was coordinated by WHO. UNAIDS has been in operation since 1996 and coordinates the efforts of the United Nations family of agencies and organizations. It spearheads global action to help the world prevent new HIV infections, care for people living with HIV and mitigate the impact of the epidemic.[15]

26. UNAIDS is tasked with putting together the global response to an epidemic of a dreaded and highly stigmatizing disease, whose ramifications affect all human rights and extend across virtually all aspects of society.[16] The International Guidelines on HIV/AIDS and Human Rights, first developed in 1998 by UNAIDS and the Office of the United Nations High Commissioner for Human Rights, are a tool for States to use in designing, coordinating and implementing effective national HIV/AIDS policies and strategies. As a human rights-based response to HIV/AIDS, the Guidelines rely on broad approaches such as support and increased private sector and community participation to respond ethically and effectively to HIV/AIDS.[17] However, there are still no data regarding the implementation of the guidelines and their effectiveness in achieving expected outcomes. Global AIDS Response Progress Reporting provides in-depth information on collating data and undertaking subsequent global AIDS response progress reporting. The collection and

[12] See UNAIDS, *AIDS at 30: Nations at the crossroads*, available from www.unaids.org/sites/default/files/media_asset/aids-at-30_1.pdf.

[13] Ibid**Error! Hyperlink reference not valid.**.

[14] M.Caraël, Twenty Years of Intervention and Controversy, 2006.Available from http://rds.refer.sn/IMG/pdf/06CARAEL.pdf

[15] See www.un.org/ga/aids/ungassfactsheets/html/FSUNworks_en.html.

[16] See data.unaids.org/pub/Report/2008/JC1579_First_10_years_en.pdf.

[17] See www.ohchr.org/EN/Issues/HIV/Pages/InternationalGuidelines.aspx.

reporting of high-quality results on the AIDS response are crucial components of the UNAIDS plan for continued mutual responsibility and international solidarity.[18]

27. During the period from 1996 to 2012, global investments for a concerted AIDS response increased from US$ 300 million to about US$ 15 billion. Those considerable financial contributions substantiated the political declarations that had been made and resulted in impressive returns – from a global increase in access to prevention and treatment to significant declines in new infections and in AIDS-related fatalities. Similarly, the Global Fund to Fight AIDS , Tuberculosis and Malaria caused a drop in the price of anti-retroviral drugs and set the conditions for fixing the prices of pharmaceuticals.[19] Commitments by donors both large and small, national investments by States, the significant impact of the Global Fund and initiatives such as the United States President's Emergency Plan for AIDS Relief have proved crucial in tackling the urgent need for sustained funding.[20] Political entities and policymakers also rose to the occasion, discussing and making crucial decisions regarding the issue in relation to finance and debt.[21] The funds raised from cancellation of debt or debt relief have assisted countries in their efforts to combat HIV/AIDS and to implement poverty reduction programmes.[22]

C. Building on international solidarity

28. International solidarity, in the true sense of the term, should inform the new opportunities for economic growth and the development of the world economy that have been brought about by globalization but that have, however, also been accompanied by a widening gap between developed and developing countries, widespread poverty and inequality including gender inequality, unemployment, social erosion and environmental risks. The ongoing globalization of trade and capital contributes to the interconnectedness and interdependence of individuals and States, presenting challenges that demand increased coordination and collective decision-making at the global level. It is in this area that international solidarity can deploy international cooperation to promote a global enabling environment that should not be limited to the promotion of economic growth through unchecked trade liberalization and free movement of capital. Instead, international cooperation should actively promote a multilateral trading and investment system that is conducive to the realization of all human rights. Establishment of a fair, inclusive and rights-based international trade and investment regime requires that all States, acting in solidarity and pursuant to their common but differentiated responsibilities, recognize their obligations to ensure that no international trade agreement or policy to which they are party adversely impacts upon the protection and promotion of human rights inside or outside of their borders. The notion of international obligations becomes even more relevant in the present context of globalization, where the role of the State is increasingly being reduced, inadvertently in some cases, it might be argued. Whether or not this is the case, the State's capacity to respect, protect and fulfil human rights is diminished. In such a context, the value of international cooperation, a key feature of international solidarity, takes on even more importance, particularly in connection with supporting a State that needs assistance in complying with its core human rights obligations. Collective action by States in

[18] UNAIDS, *Global AIDS Response Progress Reporting 2015*, p. 4.
[19] See UNAIDS, *Aids at 30: Nations at the Crossroads* (footnote 18).
[20] See www.unaids.org/sites/default/files/media_asset/UNAIDS_2012_LetterToPartners_en_1.pdf.
[21] See UNAIDS, *Aids at 30: Nations at the Crossroads* (footnote 18).
[22] See www.prb.org/Publications/Articles/2002/TheInternationalResponsetoHIVAIDS.aspx.

undertaking measures of reactive solidarity, as well as preventive solidarity,[23] are of critical importance in minimizing adverse impacts on the exercise and enjoyment of human rights.

29. During the Millennium Summit in 2000, States resolved to, inter alia, promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable; to combat all forms of violence against women; and to implement the Convention on the Elimination of All Forms of Discrimination against Women.[24] Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, and equal opportunities and the full and equal participation of women and men as agents of, and not just as the beneficiaries of, people-centred sustainable development (Beijing Declaration, para. 16). The General Assembly, in its resolution 66/216 on women and development, recognized the mutually reinforcing links between gender equality and poverty eradication, and the achievement of all of the Millennium Development Goals, as well as the need to elaborate and implement, where appropriate, in consultation with all relevant stakeholders, comprehensive gender-sensitive poverty eradication strategies to address social, structural and macroeconomic issues. In paragraph 10 of resolution 66/216, the General Assembly urged the donor community, Member States, international organizations including the United Nations, the private sector, non-governmental organizations, trade unions and other stakeholders to strengthen the focus and impact of development assistance, targeting gender equality and the empowerment of women and girls through gender mainstreaming, the funding of targeted activities and enhanced dialogue between donors and partners, and also to strengthen the mechanisms needed to measure effectively the resources allocated to incorporating gender perspectives in all areas of development assistance. The resolution brings to the fore the need for international solidarity between States that enter into international cooperation, which should be based on equal partnerships and mutual commitments and obligations taking into account the best interests of the constituents in their jurisdictions, on the basis of equality and non-discrimination, in accordance with international human rights principles and standards.

30. The Social Protection Floor Initiative (SPF Initiative), established in 2009 by a coalition of United Nations agencies and development partners extending beyond the United Nations, promotes universal access to social transfers and services as a means of reducing poverty and inequality. It is predicated on the results of various studies showing that a basic floor of social transfers is affordable in all countries at all stages of economic development, although the least developed countries may need initial assistance from the donor community.[25] The initiative transcends the mandate of any individual United Nations agency, and it is logical therefore that it is being implemented through a coherent, system-wide approach. The optimal use of experts, resources and logistical support is ensured through joint United Nations country responses, with each United Nations agency contributing to the initiative in its respective area of expertise. This system of operations is a collective endeavour aimed at a common outcome that will impact on the realization of human rights.

31. The social protection floor consists of a basic set of transfers, either in cash or in kind, to provide a minimum income and livelihood security for all; and the supply of an essential level of goods and social services such as health, water and sanitation, education,

[23] Preventive solidarity is another key feature of international solidarity, with reactive solidarity its other side. The key features of international solidarity will be discussed in a forthcoming report.

[24] General Assembly resolution 55/2 on the United Nations Millennium Declaration.

[25] See http://www.ilo.org/secsoc/information-resources/publications-and-tools/Workingpapers/lang--en/index.htm.

food, housing, and life and asset-saving information, accessible to all. The SPF Initiative emphasizes the need to guarantee services and transfers across the life cycle, from children to the economically active but with insufficient income, to older persons, paying particular attention to vulnerable groups, including people living with HIV/AIDS, migrants and populations exposed and highly sensitive to adverse external factors such as natural hazards, extreme weather events and other climate phenomena. The initiative also takes into account key characteristics that cut across all age groups, including gender, socioeconomic status, ethnicity and disability.[26]

32. In June 2012, at its 101st session, the International Labour Conference adopted, by an impressive tripartite consensus, International Labour Organization (ILO) recommendation No. 202 (2012) concerning national floors of social protection. The recommendation established a new international labour standard, calling for a basic social protection floor for all through the provision of health care and income security. In adopting its recommendation No. 202, the ILO General Conference recognized the importance of social security in preventing and reducing poverty, inequality and social exclusion, and the role of social security systems as automatic stabilizers in times of crisis. The recommendation provides guidance to States on establishing and maintaining social protection floors as a fundamental element of their national social security systems. Social Floor Protection Initiative processes are country-driven, consultative, inclusive and participatory in nature, involving all stakeholders, including government representatives from the relevant agencies, social partners, parliamentarians and civil society through social dialogue.

33. The expansion of social protection has proved to be important in reducing inequality and poverty in a range of national contexts in both developing and developed countries. According to recent reports, some 30 developing countries have already taken measures to introduce elements of a social protection floor. Their experiences have shown that social security schemes are a vital and flexible policy tool to counteract and soften the social and economic consequences of financial shocks. They have also demonstrated the feasibility of building social protection floors and that, with the necessary political will, adequate resources for capacity-building and a sound implementation process, a strong national consensus in favour of social protection floor policies can be created and developed.[27] The Social Protection Floor Initiative is a way for people to earn sufficient income for adequate food, housing, water and sanitation, education and good health. It also paves the way for people to take part in cultural life, exercise their freedom of expression and share knowledge and ideas, all human rights to which everyone is entitled. The SPF Initiative contributes to more stable, fairer and cohesive societies by making those rights available and more accessible. At the same time, it strengthens the capacity of States to comply with their obligations to respect, protect and fulfil human rights, which is a defining attribute of international solidarity.

34. The International Conference on Financing for Development, held in Mexico in March 2002, was hailed as an exceptional event, different from other United Nations conferences, primarily because of the inclusion of all the stakeholders in the constructive interaction between developed and developing countries, and also because it was free from hostilities between the rich and the poor countries, which at that time was considered remarkable.[28] The outcome document, known as the Monterrey Consensus, was a blueprint

[26] International Labour Organization and WHO, Social Protection Floor Initiatives (2010), p. 3.

[27] A/HRC/28/68, p. 4.

[28] I.Haque and R. Burdescu, "Monterrey Consensus on Financing for Development: response sought from international economic law", in *Boston College International & Comparative Law Review*, Vol. 27, p. 219 (2004). Available from http://lawdigitalcommons.bc.edu/iclr/vol27/iss2/4/.

for a new partnership that focused for the most part on a shared responsibility between developed and developing countries, based on the recognition that each country had "primary responsibility for its own economic and social development", stressing the role of national policies and development strategies and putting forward a renewed commitment by the international community to support its efforts.[29] The Monterrey Consensus did not constitute an end point but marked the beginning of an important process stemming from the resolve of States and other stakeholders to build an alliance for development and "act together". It was during the conference that it was decided that donor countries should commit to allocating 0.7 per cent of their gross national income to official development assistance.[30]

35. The period beginning in 2000 has been defined by the aid effectiveness agenda. What started as a small gathering of major Organisation for Economic Co-operation and Development (OECD) donors in the early 2000s grew to an unprecedented gathering of developed and developing countries, and international and regional civil society. The global landscape changed during this period, economically, politically and socially. The lines between developed and developing countries have blurred, and new forms of cooperation have emerged. In the years that followed the adoption of the Monterrey Consensus in 2002, four high-level forums on aid effectiveness were convened by OECD: in Rome in 2003, Paris in 2005, Accra in 2008 and, most recently, in Busan, Republic of Korea, in 2011. Busan was the venue for the Fourth High Level Forum on Aid Effectiveness, at which over three thousand delegates met to review progress on implementing the principles of the Paris Declaration on Aid Effectiveness and discuss how to maintain the relevance of the aid effectiveness agenda in the context of the evolving development landscape. The forum culminated in the signing of the Busan Partnership for Effective Development Cooperation by ministers from developed and developing countries, emerging economies and providers of South-South and triangular cooperation. For the first time in the history of the High Level Forum, a civil society representative took part in the actual negotiating process, marking a critical turning point in development cooperation and international solidarity, particularly where the language of the partnership emphasized the link between fighting poverty and protecting human rights.[31]

36. A new chapter in the history of international cooperation was initiated in Busan, where the focus shifted from aid effectiveness to the broader concept of development effectiveness. Through the inclusion of a diverse range of development stakeholders – donor governments from the North and the South, the private sector, civil society organizations, parliamentarians and local authorities, inter alia – the Busan Partnership for Effective Development Cooperation provided a more realistic framework for improving the way cooperation is implemented on the ground and how it works with other drivers of development. For civil society organizations, Busan was a particularly significant milestone, as it marked the first time that civil society had participated as a full and equal stakeholder in aid effectiveness negotiations alongside governments and donors. It was thus a unique opportunity to influence development cooperation for people's organizations, and also strengthened the shift from a technical aid effectiveness approach to development effectiveness based on long-term sustainability, addressing the root causes of poverty and the realization of human rights.[32]

[29] See Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002 (A/CONF.198/11), chap. I, resolution 1, annex.

[30] Ibid.

[31] See www.oecd.org/dac/effectiveness/busanpartnership.htm.

[32] See http://cso-effectiveness.org/4th-high-level-forum-on-aid,080.

37. "The Future We Want",[33] the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in 2012, encompasses a broad range of issues and outlines an agenda for the future, representing the common vision of States with the full participation of civil society. In it, the Heads of State and Government who attended the Conference recognize that eradicating poverty is the "greatest global challenge facing the world today" and commit themselves to freeing humanity from poverty and hunger "as a matter of urgency.[34] The contents of the outcome document are summarized thus:

> We recognize that poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of, and essential requirements for, sustainable development. We also reaffirm the need to achieve sustainable development by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable development and inclusion, and promoting integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges.[35]
>
> We reaffirm the importance of international human rights instruments and international law. We emphasize the responsibilities of all States, in accordance with the Charter , to respect, protect and promote human rights and fundamental freedoms for all without distinction;[36] We reaffirm our commitment to strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular in developing countries, … the need to achieve economic stability, sustained economic growth, the promotion of social equity and the protection of the environment, while enhancing gender equality, the empowerment of women and equal opportunities for all, and the protection, survival and development of children to their full potential, including through education.[37]

38. The avowed commitment of States to strengthening international cooperation to address the "persistent challenges" to sustainable development cannot be overemphasized, as it implies that they must be true to that pledge. It should also be emphasized that States stressed that sustainable development required concrete and urgent action, and that sustainable development could "only be achieved with a broad alliance of people, government, civil society and the private sector, all working together to secure the future we want for present and future generations".[38] Those words, together with those in the preceding paragraph, effectively define international solidarity. Another report, entitled "A new global partnership: eradicate poverty and transform economies through sustainable development",[39] contains the recommendations of the High Level Panel of Eminent Persons

[33] General Assembly resolution 66/288, annex.
[34] Ibid., para. 2.
[35] Ibid., para. 4.
[36] Ibid., para. 9.
[37] Ibid., para. 11.
[38] Ibid., para. 13.
[39] See the report of the Independent Expert on human rights and international solidarity (A/69/366), in which the Independent Expert seeks to contribute to the process of formulating the future sustainable development goals to ensure that they are consistent with universal human rights standards, focusing on the value added to those goals when they are defined and informed by the right to international solidarity.

on the Post-2015 Development Agenda,[40] 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.[41]

III. Conclusion

39. **In 2015, two important international agreements to be decided upon by States will affect the future of human development. One is a new set of sustainable development goals to take over from and continue the Millennium Development Goals, which expire at the end of 2015. The other is the outcome of the Conference of Parties to the United Nations Framework Convention on Climate Change, the primary international intergovernmental forum for negotiating the global response to climate change. The Conference is crucial because it must produce an international climate agreement for adoption in December 2015. The new agreement will limit global warming to the 2-degrees Celsius target, requiring a commitment from each government to indicate targets for reducing the levels of carbon emissions. Funding for those efforts will also be pledged at the Conference. The binding agreement will apply to all countries and will be implemented in 2020.**

40. **The lead-up to the Conferenceand the United Nations summit for the adoption of the post-2015 development agenda has been closely monitored by stakeholders and advocates who have been continuously calling for human rights to be at the forefront of the negotiations and to be integrated into the final agreements. The United Nations conferences at which States have pledged their commitments to goals and objectives that entail action at the national, regional or international level, are much too numerous to mention in the present report. Furthermore, information on the actual implementation of such pledges and their outcomes is very difficult to obtain, perhaps because of the paucity of action taken. The Independent Expert reiterates that international solidarity cannot be inferred merely from collective decisions or commitments agreed upon between State and non-State entities, until such time as those agreements are acted upon. But the integration of human rights into such agreements will indicate the path leading to the desired outcome of international solidarity.**

41. **The claim is not that genuine international solidarity as described above, nor international solidarity in general, is a magic formula for achieving desired outcomes. Rather, the Independent Expert suggests that international solidarity is a powerful tool for addressing key global challenges to human rights. In the context of the sustainable development goals and the climate agreement to be forged in 2015, international solidarity as described in the present report would ensure a fair and just relationship between State and non-State actors engaged in the pursuit of common goals or in overcoming a common challenge, in full cognizance of the human rights of the peoples, individuals and groups concerned. This resonates with the view of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda: "This is**

[40] Ibid.

[41] 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 publication, Sales No. E.13.I.10).

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."[42] The need is greater than ever before for States and non-State actors to come together and undertake collective action in solidarity, whatever the outcomes of the two international agreements.

[42] Ibid., p. 4.