

# International solidarity in an interdependent world

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## I. Introduction

*The Earth is one but the world is not. We all depend on one biosphere for sustaining our lives. Yet each community, each country, strives for survival and prosperity with little regard for its impact on others. Some consume the Earth's resources at a rate that would leave little for future generations. Others, many more in number, consume far too little and live with the prospect of hunger, squalor, disease, and early death.<sup>1</sup>*

This chapter describes how international solidarity, which underlies the right to development and is key to its realization, can provide the impetus for our collective responses to interconnected challenges in an interdependent world. It traces the evolution of the idea of international solidarity, connecting it to emerging conceptions of shared responsibilities. Finally, the chapter considers examples of State practice as revealed through international commitments and organizations, and of the workings of a broad range of stakeholders, notably global civil society, which provide evidence of international solidarity in action; it concludes by reiterating the significance of international solidarity for our common future.

Although international solidarity can be understood and interpreted in various ways, this chapter, first and foremost, views international solidarity specifically in relation to the right to development. Secondly, it adopts a contextualized approach to the evolution of the idea of international solidarity, locating it not only within the framework of the progressive development of international law—essentially a State-led process—but also viewing it as linked to the duty to cooperate and driven by developing countries in their quest for global social justice through an equitable international order. Thirdly, it considers international solidarity in the light of the dynamic realities of a world in which our interconnectedness poses common challenges to people in both the developed and developing worlds, perhaps best illustrated by the climate and environmental crisis and the search for just and sustainable development solutions. This chapter proceeds from the premise that the holistic ethos of the right to development, underscored by international solidarity, supports a people-centred approach to human and ecological well-being, through an alternative paradigm to both development and international economic relations which recognizes our common humanity.

## II. The idea of international solidarity

*[I]nternational solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and*

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<sup>1</sup> Report of the World Commission on Environment and Development entitled "Our common future" (A/42/427, annex), chap. 1, para. 1.

*principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens, refraining from doing harm or posing obstacles to the greater well-being of others, including in the international economic system and to our common ecological habitat, for which all are responsible.*<sup>2</sup>

Prior to the establishment of the Human Rights Council mandate on human rights and international solidarity, Rui Baltazar Dos Santos Alves, in a working paper submitted to the Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights, argued that solidarity must inspire international relations:

The need for increasing affirmation of international solidarity arises from the state of iniquity that characterizes international relations. This iniquity derives from a certain historical context in which peoples and countries were deprived of the right to development, but it also results from factors and circumstances which continue to pose obstacles to bringing the living conditions in the developing countries closer to those in the developed countries (these factors include policies on subsidies, imposed conditionalities, the structural adjustment policies developed by the international financial institutions and policies of domination, to mention just a few of them) (E/CN.4/Sub.2/2004/45, para. 25).

The former Independent Expert on human rights and international solidarity, Rudi Mohamed Rizki, posited international and global solidarity in the light of peace, non-harm, equity, equality and sustainability in international relations, especially international economic relations, and defined international solidarity as “the union of interests, purpose and actions among States and social cohesion between them, based on the interdependence of States and other actors to preserve the order and very survival of international society, and to achieve common goals that require international cooperation and collective action. Global solidarity encompasses the relationship of solidarity among all stakeholders in the international community” (A/HRC/15/32, para. 57).

Elaborating further, Virginia Dandan, the current Independent Expert on human rights and international solidarity, asserts that

Solidarity is a persuasion that combines differences and opposites, holds them together into one heterogeneous whole, and nurtures it with the universal values of human rights. International solidarity therefore does not seek to homogenize but rather to be the bridge across those differences and opposites, connecting to each other diverse peoples and countries with their heterogeneous interests, in mutually respectful, beneficial and reciprocal relations, imbued with the principles of human rights, equity and justice.<sup>3</sup>

In her message on International Human Solidarity Day 2011, “2011: testing to the limit the capacity of international solidarity”, she said:

Global challenges require multilateral global responses. Efforts undertaken in isolation no longer work in [view of] the enormity and expanse of the problems involved. These challenges also require a change of mindset in the way decisions are made, and how actions are taken, to recover and rediscover the time-honoured common values of humanity such as solidarity ... Solidarity should, and must be a positive force in the lives of people and of nations, and must therefore be protected from exploitation and corruption... We must strive for a socially resilient, more equal and more inclusive world community, and the vehicle that will bring us towards that goal is international solidarity.<sup>4</sup>

The idea of international solidarity calls for unity in diversity among all peoples, irrespective of all distinctions. Throughout the course of history, struggles for political and social transformation have been inspired by universal values such as justice, from the demand for *liberté, égalité, fraternité* to the struggles against colonialism, racism and apartheid and the demands for dignity, democracy and freedom in the Arab revolutions and Occupy movements. Throughout the history of the modern human rights movement, international solidarity has been among the most powerful and essential tools of advocates and activists seeking to advance the vision of the Universal Declaration of Human Rights.<sup>5</sup> Globally, the prevailing international economic system, its primary actors and structures drive the processes of globalization and connect with the erosion of State institutions and the undermining of communities and families.<sup>6</sup> The unequivocal concentration on economic wealth creation through the market, based on the misguided notion that social issues will resolve themselves once economic fundamentals are achieved, has led to new quests for identity, social tensions and the breakdown of social cohe-

<sup>2</sup> “Report of the independent expert on human rights and international solidarity, Rudi Muhammad Rizki” (A/HRC/15/32 and Corr.1), para. 58. In citing this report, it has been considered whether a new approach to accountability in the global economy could be based on international solidarity and shared responsibility. See International Council for Human Rights Policy, *Human Rights in the Global Economy* (Geneva, 2010), p. 11. This chapter draws substantially on the reports of the Independent Expert on human rights and international solidarity submitted to the Human Rights Council in 2009 (A/HRC/12/27 and Corr.1) and 2010 (A/HRC/15/32).

<sup>3</sup> Panel discussion entitled “The way forward in the realization of the right to development: between policy and practice” held on 13 September 2011 during the eighteenth session of the Human Rights Council.

<sup>4</sup> Available at [www.un.org/esa/socdev/documents/intldays/solidarity/Dandan-Message.pdf](http://www.un.org/esa/socdev/documents/intldays/solidarity/Dandan-Message.pdf).

<sup>5</sup> See opening statement by Craig Makhiber, Chief, Development and Economic and Social Issues Branch, Office of the High Commissioner for Human Rights, at the Expert Workshop on Human Rights and International Solidarity, Geneva, 7-8 June 2012, available at [www.ohchr.org/Documents/Issues/Development/OHCHRStatementWorkshop07June2012.pdf](http://www.ohchr.org/Documents/Issues/Development/OHCHRStatementWorkshop07June2012.pdf).

<sup>6</sup> See United Nations Research Institute for Social Development (UNRISD), *States of Disarray: The Social Effects of Globalization* (Geneva, 1995).

sion in many societies, especially across the global South.<sup>7</sup> As evidenced by the financial and economic crises, no country is immune from the adverse effects of globalization, which have also caused economic downturn and social degradation in the industrialized North and global challenges for all people.<sup>8</sup>

The notion of solidarity is fundamental to the right to development, born of the common aspirations of newly independent States in an era of decolonization and enshrined in the Declaration on the Right to Development. Prior to the Declaration, a conference on development and human rights held in Dakar in 1978 concluded that international solidarity underlies the right to development and is a key to its realization: "There exists a right to development. The essential content of this right is derived from the need for justice, both at the national and the international levels. The right to development draws its strength from the duty of solidarity which is reflected in international cooperation."<sup>9</sup> The right to development makes development a human right, and has the potential to respond to global challenges in an interconnected global economy within an interdependent world because its vision of development and cooperation for development goes beyond economic growth to embrace a holistic paradigm for human well-being. It belongs to all individuals and peoples and envisages a process which advances all human rights; its idea of rights and responsibilities transcends the geographical borders of States. The right to development also includes peace, security and disarmament; self-determination and sovereignty over natural resources; and a social and international order conducive to development.

The magnitude, depth and confluence of the global challenges we face and the interdependence of the planet and its people validate the urgent call for all to unite to shape a future based on the founding values of the United Nations: peace and security, human rights and development. The international community, and most of all its leadership, assumes an unprecedented role in the governance of an inter-

dependent existence, especially the regulation of international economic relations and globalization.<sup>10</sup> The key stakeholders—States, both individually and collectively through international organizations; civil society, particularly through non-governmental organizations; and the private sector—have a new role in realizing rights and upholding duties. In a renewed endeavour to address global challenges, further amplified in an era of globalization, the Human Rights Council has affirmed that everyone and every people have the right to a democratic and equitable international order which requires, inter alia, the right of every person and all peoples to both development and international solidarity.<sup>11</sup> It has since created a special procedure and appointed a mandate holder in this regard.<sup>12</sup>

### III. International solidarity, the duty to cooperate and international law

*In a world of interconnected threats and challenges, it is in each country's self-interest that all of them are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep and sustained global cooperation among States. Such cooperation is possible if every country's policies take into account not only the needs of its own citizens but also the needs of others. This kind of cooperation not only advances everyone's interests but also recognizes our common humanity.*<sup>13</sup>

International solidarity underlies the very idea of the United Nations and permeates the three interlinked pillars of the Charter: peace and security, development and human rights. Development and human rights are the most secure basis for peace.<sup>14</sup> The most manifest expression of solidarity in international law and policy is in international cooperation, which lies at the heart of solidarity. The obligation of States to cooperate is anchored in Articles 1, 55 and 56 of the Charter. Article 1 calls for international mechanisms to promote the economic and social advancement of all peoples and for international cooperation in solving problems of an economic, social, cultural or humanitarian nature, a fundamental purpose of the

<sup>7</sup> The implications of globalization have been contradictory, showing both national and social disintegration and new forms of international cooperation (ibid., p. 167).

<sup>8</sup> See Charles Dumas, *Globalisation Fractures: How Major Nations' Interests are Now in Conflict* (London, Profile Books, 2010).

<sup>9</sup> Commission I, Conclusions and Recommendations, *Colloque sur le développement et les droits de l'homme*, Dakar, 7-12 September 1978, mimeo, para. 10, quoted in "The international dimensions of the right to development as a human right in relation with other human rights based on international cooperation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs: report of the Secretary-General" (E/CN.4/1334), para. 65.

<sup>10</sup> See UNRISD, *Visible Hands: Taking Responsibility for Social Development* (Geneva, 2000).

<sup>11</sup> See resolution 8/5.

<sup>12</sup> Resolution 18/6.

<sup>13</sup> "In larger freedom: towards development, security and human rights for all: report of the Secretary-General" (A/59/2005), para. 18.

<sup>14</sup> See "An agenda for peace: preventive diplomacy, peacemaking and peacekeeping: report of the Secretary-General" (A/47/277-S/24111) and "An agenda for development: report of the Secretary-General" (A/48/935).

Organization. Under Article 55, the United Nations shall promote higher standards of living, full employment and conditions of economic and social progress and development; solutions to international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms. In Article 56, "Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55", imposing a legal obligation on States.<sup>15</sup> Article 55 is intended to implement the purposes of the United Nations, set out in Article 1.<sup>16</sup> As an Assembly of Nations, the General Assembly, through successive decisions,<sup>17</sup> has persistently declared the need to cooperate.

The need to adapt the Charter to new challenges has called for an evolutionary, progressive and dynamic interpretation in relation to fundamental issues of the international community.<sup>18</sup> Developing countries have led efforts to elaborate the normative content of Article 55, beginning with resolutions on the establishment of a new international economic order. In several resolutions, the international community has agreed that States shall cooperate in the maintenance of international peace and security and the promotion and respect of human rights, and should cooperate in the economic, social, cultural and science and technology fields and work together with the aim of promoting economic growth in developing countries.<sup>19</sup> Particular attention was given to cooperation among developing countries, which were called upon to evolve, in a spirit of solidarity, all possible means to assist each other to cope with the immediate problems arising from the establishment of a new

international economic order.<sup>20</sup> The role of the United Nations brings the international obligation of cooperation within the context of the right to development because, in practice, implementation of Article 55 of the Charter has been carried out with a focus on development.<sup>21</sup>

Further along the course of international law, the Universal Declaration of Human Rights states in article 1 that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Under article 28, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized; and according to article 29, everyone has duties to the community. Thus, in principle, both rights and responsibilities attach to the broadest possible range of stakeholders.

Obligations of international cooperation are elaborated in general comments of the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. The former, in general comment No. 3 (1990), states that international cooperation for development, and thus the realization of economic, social and cultural rights, is an obligation of all States (para. 14). In its general comment No. 12 (1999), the Committee requested States to bear in mind the right to food when concluding international agreements (para. 36). Under article 4 of the Convention on the Rights of the Child, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation." Towards the progressive realization of rights, States must demonstrate that they implemented to the maximum extent of their available resources and, where necessary, have sought international cooperation. General comment No. 5 (2003) of the Committee on the Rights of the Child outlines obligations to develop "general measures of implementation". When States ratify the Convention, they agree to obligations not only to implement within their jurisdiction, but also to contribute, through international cooperation, to global implementation (para. 7).

<sup>15</sup> "Globalization and its impact on the full enjoyment of human rights" (E/CN.4/Sub.2/2000/13), para. 41. According to the authors of this report, action taken by Member States, collectively or individually, to defeat this pledge may be a violation of the principles of *jus cogens* under certain circumstances. This position supports the view that international cooperation and solidarity involve legal obligations of a prime nature. It can further be argued that obligations based on international solidarity, where they concern the most fundamental human rights, can go beyond the limits of State borders, as they are owed *erga omnes* (to all humanity/to the international community), rather than merely *inter partes* (between the parties) (A/HRC/12/27, paras. 21 and 42).

<sup>16</sup> Bruno Simma and others, eds., *The Charter of the United Nations: a Commentary*, vol. II (Oxford, Oxford University Press, 2002), p. 898.

<sup>17</sup> *Ibid.*, pp. 902-903.

<sup>18</sup> These include issues such as self-determination, prohibition of the use of force, the definition of the term "State" and the admission of permanently neutral States. In this sense, many adaptations have taken place through General Assembly resolutions, the most relevant being the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), the Universal Declaration of Human Rights and the development of peacekeeping missions (*Ibid.*, pp. 16-17).

<sup>19</sup> For instance, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States is underlined by the need for international cooperation.

<sup>20</sup> See General Assembly resolution 3202 (S-VI), sect. VII, para. 1 (a).

<sup>21</sup> See Simma (footnote 16), p. 901.

From the 1960s, collective rights, based on the shared aspirations of peoples, began to be advocated by the Non-Aligned Movement and gradually extended beyond the right to self-determination to include other rights. This happened through the elevation of the duty to cooperate to achieve the objectives of the Charter, combined with the then emerging principle of international solidarity. The 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the 1974 Charter of Economic Rights and Duties of States<sup>22</sup> provide further evidence of international consensus on the need for solidarity. With time, the correlative duties in human rights were transformed into concrete obligations<sup>23</sup> and by the 1980s several collective rights were enshrined in the African Charter on Human and Peoples' Rights.<sup>24</sup> This era witnessed the emergence of the right to development and of rights relating to the environment, minorities and indigenous peoples. More recent regional treaties have also integrated the concept of solidarity.<sup>25</sup> Solidarity underscores peoples' rights in hard- and soft- law norms, including provisions of the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. It further underlies most expressions of rights described as collective or people's rights.

In the 1980s, the Secretary-General reported to the General Assembly on "the international law of cooperation", a phrase coined by Wolfgang Friedmann.<sup>26</sup> This law went beyond the peaceful coexistence of States and mandated them to act jointly to achieve common ends.<sup>27</sup> It took into account the real conditions of States in assigning rights and duties consonant with specific situations. It was also established that the legal obligation to cooperate requires an institutional legal organization to sustain it.<sup>28</sup> In fact, a survey of the mandates of the various United Nations agencies—in particular those created to foster development—reveals that international cooperation has been translated into operative norms and institutions

with which most States work together to achieve jointly established global objectives.

Steps to operationalize the right to development and Millennium Development Goal 8 on a global partnership for development, inter alia through aid, trade, debt relief, transfer of technology and access to medicines, provide practical examples of how international cooperation and solidarity can be implemented. The concept of a "common heritage of mankind" was established in article 136 of the 1982 United Nations Convention on the Law of the Sea, as well as other instruments, embodying the notions of sharing, cooperation and solidarity. The 1992 Rio Declaration on Environment and Development makes international cooperation and partnership central to sustainable development. The 1993 Vienna Declaration and Programme of Action identifies increased and sustained efforts of international cooperation and solidarity as essential to substantial progress in human rights. It also recognizes that implementing the right to development requires both effective national development policies and a favourable international economic environment.

The duty to cooperate and shared responsibilities are linked to the responsibility aspect of solidarity, while peoples' rights flow from its rights dimension. Solidarity rights are a product of social history, representing collective claims on the international community and premised on the idea that human rights are dynamic and constantly evolving as each generation infuses the values of its time (A/HRC/12/27 and Corr.1, para. 11). They have been effective in shifting the balance of power in international relations, creating widely recognized, if not always realized, entitlements in international law and responding to the societal effects of globalization.<sup>29</sup> They function at a community level to assure public benefits that can only be enjoyed in common with others.<sup>30</sup> Over time, they have become firmly established in international law,<sup>31</sup> although soft-law norms pose a challenge to effective implementation and enforcement and need to develop progressively into hard law. A survey of the field of international solidarity reveals the existence of numerous global public values, policies, concepts and norms in international instruments of law and policy, mostly in the realms of soft law, *lex ferenda* or international public policy (ibid., para. 41). International solidarity and international cooperation are distinct, yet inextricably interlinked. International as well as

<sup>22</sup> General Assembly resolution 3281 (XXIX), chap. I, Fundamentals of international economic relations and article 17.

<sup>23</sup> Philip Alston, ed., *Peoples' Rights* (Oxford, Oxford University Press, 2001), p. 1.

<sup>24</sup> Article II (4) of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity also includes the principle of solidarity.

<sup>25</sup> Signed in 2004 and 2007 respectively, the Arab Charter on Human Rights, arts. 1 (3) and 37, and the Charter of the Association of South-east Asian Nations, preamble and art. 41 (4), call for international and regional solidarity.

<sup>26</sup> "Progressive development of the principles and norms of international law relating to the New International Economic Order: report of the Secretary-General" (A/39/504/Add.1), annex III, paras. 121-135.

<sup>27</sup> Ibid., para. 21.

<sup>28</sup> Ibid., paras. 124-125.

<sup>29</sup> B. M. Meier, "Advancing health rights in a globalized world: responding to globalization through a collective human right to public-health", *Journal of Law, Medicine & Ethics*, vol. 35, Issue 4 (2007), pp. 545 and 550.

<sup>30</sup> Ibid.

<sup>31</sup> James Crawford, "Some conclusions", in James Crawford, ed., *The Rights of Peoples* (Oxford, Clarendon Press, 1988), p. 166.

transnational cooperation, including among non-State actors, is at the core of solidarity, and supports its movement from an ethical concept and legal principle to an actionable practice. In the specific context of the right to development, has manifested itself primarily through the duty to cooperate, essential to any global partnership for development.

#### IV. International solidarity, development and shared responsibilities

*One important aspect of globalization is the increasingly dense and consequential regime of global rules that govern and shape development everywhere. Covering trade, investment, loans, patents, copyrights, trademarks, labour standards, environmental protection, use of seabed resources and much else, these rules—structuring and enabling, permissive and constraining—have a profound impact on the lives of human beings and on the health of our planet. This impact is catastrophic.*<sup>32</sup>

Cooperation for our common future is a *sine qua non*, and requires a new approach to international relations<sup>33</sup> based on compromise and globalism, common interests and long-term perspectives.<sup>34</sup> Collaboration for global social justice is often constrained as the priorities of nations tend naturally to be driven by self-interest and short-term gain. But our interdependence, and the interconnectedness of the challenges we face collectively, makes international solidarity a precondition for the survival and well-being of both people and the planet. It has been stated, with respect to the humanitarian crisis in the Horn of Africa, that the crisis “looks like a natural calamity, but it is in part manufactured. Climate change will result in such events being more frequent ... With a rate of child malnutrition above 30% in many regions of these countries, the failure of the international community to act would result in major violations of the right to food”, and “[i]nternational law imposes on States in a position to help that they do so immediately, where lives are at stake”.<sup>35</sup>

“Many of the most serious social and economic problems certainly remain at the local or national level, but people’s life chances are also fundamentally affected by decisions taken in international forums that in some cases are profoundly unrepresentative and unaccountable. This has led to a form of international regulation—or non-regulation—that permits global markets to wreak havoc with the livelihoods of many of the world’s people.”<sup>36</sup> The increased movement of people and goods across borders has led to multiple challenges of a transboundary nature, including human trafficking, dumping of toxic wastes and problems faced by migrants and refugees, which inevitably have their greatest impact on the most vulnerable (A/HRC/15/32, para. 46). The international sale of arms can destroy millions of lives, especially in poor countries plagued by civil strife and with weak governance structures (*ibid.*). Human rights can and must play a central role in addressing the challenges posed by globalization: “The task before us is how to reconcile differences and create consensus, without resiling from the principle that respect for human rights is the ultimate foundation upon which rests the legitimacy of the actions of our Governments, our international institutions, our corporations and business enterprises, our organs of civil society, and ourselves, presently and in future.”<sup>37</sup>

##### A. International solidarity and the right to development

*There is a growing awareness of the need to develop multilateral mechanisms capable of controlling the destructive impact of economic restructuring. A focus on the right to development may assist people to realize that globalization is a political, public and contestable process, rather than an unstoppable force that will inevitably overtake all states. International human rights lawyers will have to harness creatively both the inspirational and the legalistic aspects of the right to development if they are successfully to use that right to effect change in the current agendas of states, international economic institutions and foreign investors.*<sup>38</sup>

<sup>32</sup> Thomas Pogge, “Aligned: global justice and ecology”, in *Reconciling Human Existence with Ecological Integrity*, Laura Westra, Klaus Bosselmann and Richard Westra, eds. (London, Earthscan, 2008), p. 147.

<sup>33</sup> Kamal Hossain, “Sustainable development: a normative framework for evolving a more just and humane international economic order?”, in S.R. Chowdhury, E. Denters and P. de Waart, eds., *The Right to Development in International Law* (Dordrecht, Martinus Nijhoff, 1992), p. 259.

<sup>34</sup> Ileana M. Porras, “The Rio Declaration: a new basis for international cooperation”, in P. Sands, ed., *Greening International Law* (London, Earthscan, 1993), pp. 20-33.

<sup>35</sup> Olivier De Schutter, Special Rapporteur on the right to food, “Large-scale starvation in Somalia and in the Horn of Africa unless the international community steps in, say UN experts”, press release, 12 July 2011, avail-

able from [www.ohchr.org](http://www.ohchr.org).

<sup>36</sup> UNRISD, *States of Disarray* (see footnote 6), p. 168.

<sup>37</sup> David Kinley, *Civilising Globalisation: Human Rights and the Global Economy* (Cambridge, United Kingdom, Cambridge University Press, 2009), p. 239.

<sup>38</sup> Anne Orford, “Globalization and the right to development”, in Altston, *Peoples’ Rights* (see footnote 23), pp. 183-184. “While the Declaration articulates some unconventional demands for a human rights instrument the ways in which it frames the nature and scope of human rights duties is fitting under current conditions of economic globalisation. It is concerned with structural disadvantage that engenders the poverty afflicting half the global population today, and is preoccupied not with a state’s duties to its own nationals, but with its duties to people in far-off places. As is argued herein, this legal cosmopolitanism is critical to the realisation of

A major result of developing countries' action for development can be seen in the fact that this issue has become one of the central questions of the world community<sup>39</sup> and, further, has been addressed in close connection with international cooperation. International cooperation for development rests on the premise that developing countries may not possess the resources for the full realization of rights set forth in conventions, calling for shared responsibilities. Some have argued that the notion of a right to development takes development into the sphere of obligations: "The State seeking its own development is entitled to demand that all the other States, the international community and international economic agents collectively do not take away from it what belongs to it, or do not deprive it of what is or must be its due in international trade ..."<sup>40</sup> As defined in the preamble to the Declaration on the Right to Development, development is a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of its benefits.

Economic and social transformation based on people-centred development<sup>41</sup> and globalization<sup>42</sup> is supported by the Declaration, which states, again in the preamble, that "equality of opportunity for development is a prerogative both of nations and of individuals who make up nations". An evolutionary interpretation of the Declaration can encompass sustainability, integrating both human and ecological well-being. At the International Court of Justice, Vice-President Christopher Gregory Weeramantry, in a separate opinion in *Gabčíkovo-Nagymaros Project (Hungary v. Slo-*

*vakia*),<sup>43</sup> wrote: "'Development' means, of course, development not merely for the sake of development and the economic gain it produces, but for its value in increasing the sum total of human happiness and welfare. That could perhaps be called the first principle of the law relating to development."<sup>44</sup>

The Declaration on the Right to Development requires States to collectively create national and international conditions favourable to development. While the primary responsibility is on States, "[a]ll human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development" (art. 2 (2)). It has been observed that the real basis of the right to development finds its justification in the obligation to demonstrate solidarity, linked to articles 1 and 28 of the Universal Declaration of Human Rights.<sup>45</sup> Further:

States' ability to realize human rights through a democratic, participatory international environment depends to a great extent on their enjoyment of genuine equality in international relations. Discrimination among States and peoples, at the international level, has the same adverse effect as discrimination among individuals and groups within States: it perpetuates inequalities of wealth and power, and frustrates any efforts to address inequalities through the process of development. Although discrimination among States is, in strict legal terms, an issue of self-determination, friendly relations and solidarity, rather than one of human rights, discrimination at the national and the international levels is inextricably linked by its effects on individual human beings.<sup>46</sup>

The open-ended Working Group on the Right to Development has underlined that, in the international economic, commercial and financial spheres, the core human rights principles of equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, including partnership and commitments, are essential to the realization of the right to development (E/CN.4/2002/28/Rev.1, para. 100). The need for international cooperation, solidarity and international responsibility for creating an enabling global environment and policy space for

human rights in the 21st century." Margot E. Salomon, "Legal cosmopolitanism and the normative contribution of the right to development", London School of Economics (LSE) Law, Society and Economy Working Paper 16/2008. See also Isabella D. Bunn, *The Right to Development and International Economic Law: Legal and Moral Dimensions*, Studies in International Trade Law No. 13 (Oxford, Hart, 2012).

<sup>39</sup> Antonio Cassese, *International Law* (Oxford, Oxford University Press, 2005), p. 418.

<sup>40</sup> Mohammed Bedjaoui, "The right to development", in *International Law: Achievements and Prospects*, Mohammed Bedjaoui, ed. (Martinus Nijhoff, 1991), pp. 1191-1192.

<sup>41</sup> William Easterly, in *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good* (Oxford, Oxford University Press, 2006), pp. 229-334, concludes that home-grown development in the "Rest" and genuinely supportive citizen action in the "West" to help the poor can be more effective than grand global plans for aid. On the other hand, Paul Collier, in *The Bottom billion: Why the Poorest Countries are Failing and What Can be Done About It* (New York, Oxford University Press, 2007), calls for a more intelligent approach to aid and complimentary actions in trade policies, changes in laws and new international charters.

<sup>42</sup> Dani Rodrik, in *The Globalization Paradox: Democracy and the Future of the World Economy* (New York, W. W. Norton, 2011), makes the case for country-specific paths to economic development and the need to preserve national democracies if we want to find a balance between globalization and national sovereignty.

<sup>43</sup> *I.C.J. Reports 1997*, p. 7.

<sup>44</sup> Available at [www.icj-cij.org/docket/files/92/7383.pdf](http://www.icj-cij.org/docket/files/92/7383.pdf).

<sup>45</sup> In chapter 2 of the present volume, Tamara Kunanayakam explains that the right to development approaches development as a complex process which, through multiple interactions in the economic, social, cultural and political spheres, generates continuous progress in terms of social justice, equality, well-being and respect for the fundamental dignity of all individuals, groups and peoples, based on their effective participation in all aspects of the development process.

<sup>46</sup> *Ibid.*

the realization of the right to development has been consistently emphasized in the Working Group (see, for example, A/HRC/15/23, paras. 27 and 43). The importance of both the national and international dimensions of the right to development and of shared responsibilities and mutual accountability of all were underlined by the high-level task force on the implementation of the right to development in addenda to the report on its sixth session (A/HRC/15/WG.2/TF/2/Add.1 and Corr.1, para. 81 and A/HRC/15/WG.2/TF/2/Add.2, para 1). The task force went on to elaborate that for the right to development, States had obligations to their own populations, to persons outside their jurisdiction who could be affected by their domestic policies and in their collective role through international organizations (A/HRC/15/WG.2/TF/2/Add.2, paras. 16-17 and annex).

The right to development has been continuously and consistently reaffirmed by the international community, including in the Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the United Nations Millennium Declaration, the 2002 Monterrey Consensus on Financing for Development, the 2005 World Summit Outcome, the 2007 United Nations Declaration on the Rights of Indigenous Peoples, the 2010 outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,<sup>47</sup> the 2011 Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020, the 2012 outcome documents of the thirteenth session of the United Nations Conference on Trade and Development (UNCTAD XIII), and the United Nations Conference on Sustainable Development. Several elements of the right to development, including international cooperation or the duty to cooperate, are legal norms embodied in binding obligations contained in international conventions, form part of customary international law and general principles of international law, or are elaborated in other international instruments and general comments of the treaty bodies. International solidarity and shared responsibility are core values underlying the United Nations Millennium Declaration.<sup>48</sup> It could also be argued that the Millennium Development Goals, as well as legal and policy measures adopted for their implementation, form part of the substance of emerging legal norms related to third-party responsibility and the duty to cooperate.<sup>49</sup>

<sup>47</sup> Resolution 65/1.

<sup>48</sup> "Keeping the promise: a forward-looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015: report of the Secretary General" (A/64/665), paras. 5, 38 and 107.

<sup>49</sup> Christina T. Holder, "A feminist human rights law approach for engen-

## B. International solidarity and shared responsibilities

*The nation which is free from egoism and is aware of its duties as well as its rights and does not only take advantage of benefits, but meets the obligations and the risks of solidarity, discovers in itself an unexpected capacity for expansion that enriches its individuality and, at the same time, turns this new capacity into a means of progress for other nations.*<sup>50</sup>

International solidarity and shared responsibilities are intrinsic to policy coherence across human rights, development and the global partnership for development:

[W]e must embrace shared responsibilities across national boundaries. For example, self-interest and short-term thinking have plagued progress on global trade reform ... When Governments provide development assistance, but at the same time continue massive agriculture subsidies to their own farmers, they aren't promoting sustainable development for all. They are undermining development prospects and damaging the livelihoods of some of our most vulnerable sisters and brothers.<sup>51</sup>

Unbridled market economics and globalization were not intended, even by the founding fathers of economic liberalism, John Stewart Mill<sup>52</sup> and Adam Smith,<sup>53</sup> who accepted that the market must not sell its soul to the devil of unalloyed economic efficiency, but instead must recognize and respect the social ends it seeks to serve, and that moral and social implications must guide and justify the enterprise. Philosophers over the centuries have advocated for global social justice, among them, John Rawls<sup>54</sup> and Thomas Pogge.<sup>55</sup> In recent years, economists, jurists and philosophers, among others, have called for an enlightened globalization<sup>56</sup> and civilizing globalization.<sup>57</sup> Attention has been drawn<sup>58</sup> to the unsustainability of the global economic system and the dire need for change.

dering the Millennium Development Goals", *Cardozo Journal of Law & Gender*, vol. 1, No. 1 (Fall 2007), pp. 125 and 156.

<sup>50</sup> P. A. Ramella, "Los principios del derecho internacional público a través de la Carta de la Naciones Unidas", *Revista de Política Internacional* (Spain), No. 93 (September/October 1967), pp. 65-87. Cited in A/HRC/15/32, para. 6.

<sup>51</sup> Mary Robinson, former United Nations High Commissioner for Human Rights, speaking at a public symposium entitled "Responding to global crises: new development paths" convened by UNCTAD, Geneva, 11 May 2010.

<sup>52</sup> John Stewart Mill, *On Social Freedom: or the Necessary Limits of Individual Freedom Arising out of the Conditions of our Social Life* (1907).

<sup>53</sup> Adam Smith, *The Theory of Moral Sentiments* (1759) and *The Wealth of Nations* (1776).

<sup>54</sup> John Rawls, *The Law of Peoples* (Cambridge, Massachusetts, Harvard University Press, 1999).

<sup>55</sup> Thomas Pogge, *World Poverty and Human Rights* (Polity Press, 2002), pp. 196-215.

<sup>56</sup> Jeffrey Sachs, *The End of Poverty: How We Can Make It Happen in Our Lifetime* (Penguin Books, 2005).

<sup>57</sup> Kinley, *Civilising Globalisation* (see footnote 37) and Rodrik, *The Globalization Paradox* (see footnote 42).

<sup>58</sup> Walden Bello, *Deglobalization: Ideas for a New Global Economy* (Lon-



Thomas Pogge advocates for global social justice, going beyond fulfilling basic needs.<sup>59</sup> He calls for recognition of the fact that poverty has multiple and interconnected levels and for its eradication, given the capacity of poverty to transcend national boundaries. Pogge explains the causal nexus between the unjust global institutional order and the persistence of severe poverty, and how severe poverty is fuelled by local misrule, which is in turn fuelled by the global order. He goes on to ask: "What entitles a small global elite ... to enforce a global property scheme under which we may claim the world's natural resources for ourselves and can distribute these among ourselves on mutually agreeable terms?"<sup>60</sup> He continues: "This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which such severe and extensive poverty would not persist."<sup>61</sup> Pogge also explains how the removal of protectionist barriers in developed countries could lead to employment of hundreds of millions in poor countries and a rise in incomes in those countries of hundreds of billions of dollars each year. Similarly, he points out that there is great scope for change in the regimes relating to intellectual property and access to medicines, natural resource management and sustainable development: "Millions would be saved from diseases and death if generic producers could freely manufacture and market life-saving drugs in the poor countries."<sup>62</sup>

It has been advocated<sup>63</sup> that obligations arise between persons by virtue of the global social and economic processes that connect them across national jurisdictions; structural social injustices can cause harm to people, justifying responsibilities that recognize this link. The contribution of Iris Marion Young provides a framework for conceptualizing responsibility for global structural injustices. In opposition to the "liability model", which establishes responsibility based on the connection between specific actions and results,<sup>64</sup> Young presents a "social connection model", which views responsibility as participation in and connection to social-structural problems establishing individual, shared responsibilities that can only be

discharged collectively.<sup>65</sup> An example would be retailers and consumers who, by buying goods produced in another country, are connected to the workers in that country.<sup>66</sup> According to the "social connection model",<sup>67</sup> shared responsibility falls on all agents who contribute to the structural processes that cause injustice. This includes the responsibility to remedy. The collective ability of agents is particularly relevant to international solidarity, as it calls on individuals and organizations who find themselves in positions where they can capitalize on resources already organized to advance changes in innovative ways.

Young acknowledges that expecting power to be exercised to undermine structural injustice is problematic because agents with power usually have an interest in the perpetuation of the status quo. To counteract this, political responsibility should be exercised by exposing such structural failures and holding those in power to public accountability. The role of States and international institutions goes as far as limiting the power of other powerful agents, organizing incentives to help agents coordinate joint actions and establishing policies and programmes with direct effects on people. However, States fail to fulfil such a role because the rules and processes regulating their activities tend to perpetuate the powers and processes that cause injustice.

Margot Salomon reflects on the internationalization of responsibility for world poverty.<sup>68</sup> First, she argues that ensuring human rights in response to poverty caused by the current global system means having two clearly defined legal dimensions: extraterritorial obligations of States, for example, the negative effects of a State's policies and activities on the people in another country; and obligations of international cooperation: responsibilities of States in their collective capacities, including as members of international organizations, with regard to their influence over the global order as a whole. Second, world poverty is attributable to the existing global system, in which benefits are concentrated among a few to the disadvantage of the majority. It is the system that causes and/or fails to remedy poverty. Third, because the system is composed of the "undifferentiated state players of the global institutional order", establishing

don, Zed Books, 2002); and Joseph Stiglitz, *Globalization and its Discontents* (Penguin Books, 2002) and *Freefall* (Penguin Books, 2010).

<sup>59</sup> Pogge, *World Poverty and Human Rights*, p. 26.

<sup>60</sup> Pogge, "Aligned: global justice and ecology" (see footnote 32), pp. 156-157.

<sup>61</sup> *Ibid.*, p. 153.

<sup>62</sup> *Ibid.*, pp. 155-156.

<sup>63</sup> Onara O'Neill, *Bounds of Justice* (New York, Cambridge University Press, 2000). See also International Council on Human Rights Policy, *Duties Sans Frontières: Human Rights and Global Social Justice* (Versoix, Switzerland, 2003).

<sup>64</sup> Iris M. Young, *Responsibility for Justice* (Oxford University Press, 2011), p. 71.

<sup>65</sup> *Ibid.*, p. 146.

<sup>66</sup> *Ibid.*, p. 143.

<sup>67</sup> *Ibid.*, pp. 143-151.

<sup>68</sup> See Margot E. Salomon, *Global Responsibility for Human Rights* (Oxford University Press, 2007), pp. 196-204. See also Ngaire Woods, *Governing the Global Economy: Strengthening Multilateral Institutions* (International Peace Institute, 2008) and José Antonio Ocampo, "Rethinking global economic and social governance", *Journal of Globalization and Development*, vol. 1, Issue 1 (2010).

State responsibility can be challenging. Nonetheless, the due diligence standard, according to which State responsibility also exists where the perpetrator cannot be identified, has been considered as a tool in establishing individualized responsibility and the obligation to cooperate. Such attribution becomes possible because the due diligence standard eliminates the requirement to establish a causal link for responsibility. Fourth, due to the dramatic difference between developed and developing countries, any burden of proof lies with the powerful and wealthy countries which, as the main recipients of the benefits of development, are able to foresee and avert the devastating effects of their decisions and should demonstrate that they have done all they can to redress world poverty.

Finally, Salomon argues that State responsibility for the creation of a just institutional economic order and the level of the obligation to cooperate is based on the principle of common but differentiated responsibilities and can be derived from several factors, including a State's global economic weight and capacity; a State's relative power and influence over the direction of finance, trade and development; and the degree to which a State benefits from the existing distribution of global wealth and resources.

Scholars have contributed to the advancement of the legal content and understanding of extraterritorial obligations on economic, social and cultural rights. Their efforts led in 1986 to the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (see E/C.12/2000/13), which elaborated on the nature and scope of State obligations and the role of the Committee on Economic, Social and Cultural Rights. Expanding on the nature and scope of violations of economic, social and cultural rights and appropriate responses and remedies, the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (ibid.) were agreed in 1997. In September 2011, international experts elaborated the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights,<sup>69</sup> which address how extraterritorial obligations encompass the acts and omissions of a State within or beyond its territory in addition to the obligations established by the Charter of the United Nations. The principles also touch on the scope of jurisdiction and State responsibility within the framework of human rights as well as on mechanisms for accountability. Further, on the issue of human rights obligations of international

financial institutions, the Tilburg Guiding Principles on World Bank, IMF and Human Rights<sup>70</sup> were drafted by a group of experts in 2001/2002. The Guiding Principles link legal obligations in the field of human rights to the economic and political realities of these organizations and discuss possible redress for adverse human rights impacts stemming from their activities. The Guiding Principles on Business and Human Rights (see A/HRC/17/31) are a positive step in the direction of regulation of international business.

It has been questioned whether these regimes for different actors have been convincingly established in a way that they are able to address the responsibility gaps perceived on the ground; whether the fragmented method of elaboration of principles for each actor has led to a coherent legal framework in dealing with the global landscape and its various actors; whether a holistic approach is to be preferred; and whether the only fully developed regime of (territorial) State responsibility can be used by analogy, or whether we need to start from scratch.<sup>71</sup>

... none of the sets of principles comprehensively addresses all issues of attribution and distribution of responsibility. However, it is safe to say that the Maastricht Principles are the most detailed and elaborate ones. The Tilburg Principles are much less advanced, and mainly seem to serve the purpose of supporting the point that [international financial institutions] do have human rights obligations. The Guiding Principles stop from making the basic point that transnational corporations are direct human rights duty bearers ... A recurrent theme in all sets is the human rights obligations of States as members of international organisations. A theme specific to the Guiding Principles is the human rights responsibility of home States of transnational corporations. All in all, the responsibility regimes emerging from the different sets of principles under scrutiny here do not seem to capture yet the full scope of the respective actors' impact on human rights on the ground.<sup>72</sup>

The right to development, underpinned by the duty to cooperate, international solidarity and shared responsibilities, has the normative potential to fill this accountability gap in global governance.

## V. International solidarity in action

This section will present some examples of international solidarity in action. Solidarity manifests itself through the daily actions of a range of stake-

<sup>69</sup> Available from [www.maastrichtuniversity.nl](http://www.maastrichtuniversity.nl).

<sup>70</sup> Willem van Genugten, Paul Hunt and Susan Mathews, eds., *World Bank, IMF and Human Rights* (Nijmegen, Wolf Legal Publishers, 2003), pp. 247-255.

<sup>71</sup> Wouter Vandenhole, "Emerging normative frameworks on transnational human rights obligations", European University Institute, Florence, Italy, Robert Schuman Centre for Advanced Studies, Global Governance Programme, EUI Working Paper, RSCAS 2012/17, p. 21.

<sup>72</sup> Ibid.

holders, including States, civil society, global social movements, corporate social initiatives and people of goodwill, especially in the aftermath of major disasters. The alarming increase in disasters disproportionately affects poor countries. In response to natural disasters, the Committee on Economic, Social and Cultural Rights expressed the view that States and international organizations have a joint and individual responsibility to cooperate in providing disaster relief and humanitarian assistance in times of emergency,<sup>73</sup> in which processes priority is to be given to Covenant rights.<sup>74</sup> Ideally, solidarity should be preventive, to avoid or mitigate harm, especially during disasters. The precautionary principle—included in principle 15 of the Rio Declaration on Environment and Development—can support a preventive approach. Since poor countries lack resources to install infrastructure and early warning systems, adequate investment is required to reduce vulnerability to hazards and the severity of disasters and to rebuild better facilities in their aftermath. Technology and the benefits of scientific progress need to be shared for the common good of all (principle 9).

Progressive development in international law and policy, supported by related actions, can serve to strengthen policy coherence across sectors for greater social justice in global governance. On the right to food, it has been recognized that, in a globalized world, actions taken by one Government may have a negative impact for people living in other countries. All States should therefore ensure that their policies do not contribute to human rights violations abroad. In human health, the collective enjoyment of public-health is a precondition for an individual human right to health care, with public-health systems addressing the collective social determinants of health beyond the control of the individual. Through a right to public-health, the discourse of collective rights can be used to supplement individual rights in affirming the equality and solidarity of all people.<sup>75</sup> Faced with the HIV/AIDS pandemic, the right to health could lead to a broad movement of international solidarity, which would require that the right be given primacy over, for instance, intellectual property rights. Many organizations practise international solidarity on a daily basis, for instance the Global Fund to Fight AIDS,

Tuberculosis and Malaria, which finances the saving of millions of lives, and numerous philanthropic initiatives, which do immense good work worldwide.

Across national borders, there are an ever-increasing number of alliances, of people reaching out to others. International assistance and cooperation in the form of aid and debt relief have traditionally been a major component of North-South relations. However, only an overarching international solidarity supporting social justice and accountability in all international economic relations can sustain the lives of people on a daily basis, in the wake of the continuing rise in poverty and inequality both within and among countries in a crisis-ridden world. Human rights-based approaches to development are non-discriminatory and require safeguards for the vulnerable and marginalized, including the poor, women, youth, children, the disabled, the elderly, minorities, migrants, refugees and indigenous peoples. The international dimension of the right to development requires justice for the globally vulnerable, including the populations of developing countries, least developed countries, landlocked developing countries, small island developing States,<sup>76</sup> States in armed conflict and post-conflict situations, States in transition to democracy and those in other fragile contexts.

### A. International cooperation for the environment and sustainable development

Environmental issues, including natural-resource management, best illustrate the need for international solidarity and a holistic approach: “The international architecture for environmental conservation and global resource management needs to be strengthened substantially ... More bold steps have to be taken to create an integrated ecosystem approach to sustainably using natural resources and healing the earth’s fragile environment.”<sup>77</sup>

Sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.<sup>78</sup> The principles of sustainable

<sup>73</sup> General comment No. 14 (2000) on the right to the highest attainable standard of health, para. 40; general comment No. 12 (1999) on the right to adequate food, para. 38.

<sup>74</sup> General comment No. 15 (2002) on the right to water, para. 34.

<sup>75</sup> B. M. Meier, “Employing health rights for global justice: the promise of public-health in response to the insalubrious ramifications of globalization”, *Cornell International Law Journal*, vol. 39 (2006), pp. 711 and 773.

<sup>76</sup> The 2011 Istanbul Programme of Action of the Fourth United Nations Conference on the Least Developed Countries calls for a strengthened global partnership and makes explicit reference to human rights, including the right to development and gender equality and empowerment.

<sup>77</sup> Nico Schrijver, *Development without Destruction: The UN and Global Resource Management* (Bloomington, Indiana University Press, 2010), p. 221.

<sup>78</sup> “Report of the World Commission on Environment and Development: our

development in the Rio Declaration on Environment and Development and underlying the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change integrate the notions of sustainability, justice and equity to all in the present generation and to those yet unborn: inter- and intra-generational equity. Principle 1 of the Rio Declaration proclaims: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." Since the World Summit on Sustainable Development in 2002, which adopted the Johannesburg Plan of Implementation, sustainable development has evolved to integrate the three pillars of economy, society and the environment. The right to development is integral to sustainable development, as reflected in the Rio Declaration (principle 3) and the Vienna Declaration and Programme of Action (part I, para. 11), both of which read: "The right to development should be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

The Rio Declaration sets the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people.<sup>79</sup> The idea of shared responsibilities is further developed therein to recognize the principle of common but differentiated responsibilities embodied in international legal instruments, taking into account global inequalities and the need to deal with them equitably. Practice, however, has lagged far behind principle, especially in international cooperation and solidarity in the implementation of sustainable development. In the best interests of both people and the planet, "The future we want", the outcome document of the United Nations Conference on Sustainable Development (Rio+20) held in June 2012,<sup>80</sup> should be interpreted in the light of all agreed principles of sustainable development and the progressive development of international law.

## B. Debt relief

Target 8.D of Millennium Development Goal 8 calls on the international community to deal comprehensively with the debt problems of developing countries through national and international measures to

make debt sustainable in the long term. In poor countries, debt repayment may take place at the expense of peoples' most basic rights such as food, health and education, and conditions linked to debt relief can undermine a country's policy space and a people's ability to determine its own development paths. Debt relief has evolved over the years from short-term debt-restructuring operations to debt forgiveness and other debt-relief measures adopted by creditors to lessen the debt burden of low-income countries; they include the Heavily Indebted Poor Countries and Multilateral Debt Relief Initiatives by multilateral creditors.

International solidarity underscores debt relief, and strengthened solidarity and shared responsibilities by both debtors and creditors can help debt sustainability while safeguarding basic human rights. Debt sustainability is an important form of international solidarity through which indebted countries can acquire appropriate means and facilities to foster their comprehensive development.

## C. Transfer of technology, climate change and development

Solidarity across national boundaries as well as generations underlines the United Nations Framework Convention on Climate Change and is implicit in its article 3, which lays down the principles of the Convention. Under this article, the Parties should, *inter alia*, protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities; accordingly, developed countries should take the lead in combating climate change and its adverse effects. Further, the specific needs and special circumstances of developing countries, especially those particularly vulnerable to the adverse effects of climate change and those that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Under article 4, Commitments, developed country Parties are required to take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing countries, to enable them to implement the provisions of the Convention. All Parties are required to take full account of the specific needs and special situations of the least

common future" (the Brundtland Report) (A/42/427, annex), chap. II, para. 1.

<sup>79</sup> Principle 5 states: "All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world."

<sup>80</sup> General Assembly resolution 66/288, annex.

developed countries in their actions with regard to funding and transfer of technology.<sup>81</sup>

Also in the area of technology transfer, article 66 of the Agreement on Trade-Related Aspects of Intellectual Property Rights states that in view of the special needs and requirements of least developed country members of the World Trade Organization, their economic, financial and administrative constraints and their need for flexibility to create a viable technological base, they will not be required to apply the provisions of the Agreement, other than articles 3, 4 and 5, for a period of 10 years from the date of application. Developed countries are required to provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least developed country members, to enable them to create a sound and viable technological base. Article 67 states that in order to facilitate the implementation of the Agreement, developed country members shall provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favour of developing and least developed country members.

#### D. Financing for development

The seminal role of solidarity within the framework of financing for development, first highlighted in the Monterrey Consensus on Financing for Development, was confirmed in the 2008 Doha Declaration on Financing for Development, the outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, reiterating commitments to address such financing in the spirit of global partnership and solidarity. Addressing the Conference, the Secretary-General made a plea for selflessness and solidarity and the building of bridges to include the entire international community.<sup>82</sup> Within the broader framework of financing for development, the search for innovative sources of development finance is linked closely to international solidarity. Such ties were recognized, explicitly and implicitly, in the World Summit Outcome and the 2005 Declaration on innovative sources of financing,<sup>83</sup> as well as at the 2006 Paris Min-

isterial Conference on Innovative Development Financing Mechanisms, whose theme was "Solidarity and Globalization". In his progress report on innovative sources of development finance (A/64/189 and Corr.1) the Secretary-General described international solidarity as a basis for international cooperation in the context of financing for development and highlighted existing and potential initiatives that could contribute to international and human solidarity, including solidarity levies. Solidarity also underpinned the outcome documents of the second and third High-Level Forums on Aid Effectiveness held in 2005 and 2008 respectively: the Paris Declaration on Aid Effectiveness<sup>84</sup> and the Accra Agenda for Action;<sup>85</sup> the 2009 Conference on the World Financial and Economic Crisis and Its Impact on Development;<sup>86</sup> the 2010 special high-level meeting of the Economic and Social Council with the Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development<sup>87</sup> and its follow-up meetings. The *World Economic and Social Survey 2012* includes an analysis of current and proposed mechanisms for innovative development finance to complement traditional official development assistance. The *Survey* highlights the potential of innovative financing for development, but concludes that realizing this potential will require new types of international agreements and changes in global governance.<sup>88</sup>

#### E. South-South cooperation

South-South cooperation derives from a joint struggle for justice, and bonds that were nurtured in a spirit of solidarity and friendship. It implies cooperative interaction through building solidarity based on mutual benefit among developing countries in their struggle to compensate for their relative lack of global power.<sup>89</sup> South-South cooperation has been found to be extensive and diverse in terms of financing for development, knowledge and experience-sharing, networking, institution-building and formalization of cooperative arrangements.<sup>90</sup> The changing geopolitical realities will have significant implications for international relations, especially in the economic sphere, in the years to come.

countries supported the Declaration, the text of which is available at [www.leadinggroup.org/article72.html](http://www.leadinggroup.org/article72.html).

<sup>84</sup> See, in particular, paragraph 1 and section II, Partnership commitments.

<sup>85</sup> See, in particular, paragraphs 9, 15, 19 and 21. See also the 2011 Busan Partnership for Effective Development Cooperation, available from [www.aideffectiveness.org](http://www.aideffectiveness.org).

<sup>86</sup> General Assembly resolution 63/303, annex, paras. 10, 11 and 46.

<sup>87</sup> Summary by the President of the Council (A/65/81-E/2010/83), para. 20.

<sup>88</sup> *In Search of New Development Finance* (United Nations publication, Sales No. E.12.II.C.1).

<sup>89</sup> "The state of South-South cooperation: report of the Secretary-General" (A/66/229), para. 4 (c).

<sup>90</sup> *Ibid.*

<sup>81</sup> See International Council on Human Rights Policy, *Beyond Technology Transfer: Protecting Human Rights in a Climate-Constrained World* (Geneva, 2011).

<sup>82</sup> See *Report of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, Doha, Qatar, 29 November-2 December 2008* (United Nations publication, Sales No. 09.II.A), annex II.

<sup>83</sup> Known as the New York Declaration, the Declaration on innovative sources of financing for development was adopted on 14 September 2005 at a meeting convened at the initiative of former President Luiz Inácio Lula da Silva of Brazil to discuss international action to fight hunger, overcome poverty and increase financing for development. Seventy-nine

The greater involvement of Asian and Latin American countries in Africa is increasing that continent's cooperation at the bilateral level. Trade and investment arrangements with newly emerging economies, notably China, are seeing a large increase in economic activity in Africa. India has become a key trading partner for sub-Saharan Africa, including in the sale of life-saving medicines at affordable prices, and Brazil's annual trade with Africa has increased substantially.<sup>91</sup> South-South trade relations hold much promise for the future, provided they are implemented in the context of sovereign equality, fairness and equity, information-sharing, and equal partnerships for all and avoid historical patterns of exploitation. Brazil adopts a policy of "solidarity diplomacy" whereby it makes its own experience and knowledge available to other developing countries to promote economic and social progress without imposing conditions, and areas of cooperation are defined by recipient countries (A/HRC/15/32, para. 58).

An example of Latin American initiatives in international solidarity is contained in the principles of the Union of South American Nations (UNASUR). Invoking a shared culture and history and a future of integration, and inspired by the spirit of the wars of independence, South American presidents reaffirmed the ideals of freedom, equality and solidarity in the foundation documents.<sup>92</sup> They have declared that their common political and philosophical thought recognizes the primacy of human beings, their dignity and rights, and the plurality of peoples and cultures; and that a South American identity and shared common values, including solidarity and social justice, have been established.<sup>93</sup>

The new global architecture for international cooperation calls for strengthening of all forms of international cooperation: North-South, South-South, triangular, as well as South-North. However, the global South is an increasingly fragmented group, divided by levels of development, regional, cultural and political concerns and other nuances which make solidarity for achieving common goals a complex endeavour. The Group of 77 and China and the Non-Aligned Movement are the largest groups of developing countries, within the broader framework of a mosaic of groupings of States and the United Nations.

<sup>91</sup> *Ibid.*, para. 10.

<sup>92</sup> Paragraph 2 of the Declaration of Ayacucho, signed on 9 December 2004 by Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Mexico, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of).

<sup>93</sup> Section I of the Cuzco Declaration, signed on 8 December 2004 by Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of).

From across the South, new groups have emerged, including Brazil, Russian Federation, India, China and South Africa (BRICS); India, Brazil and South Africa (IBSA); and the Bolivarian Alliance for the Peoples of Our America-Peoples' Trade Agreement (Alianza Bolivariana para los Pueblos de Nuestra América-Tratado de Comercio de los Pueblos, ALBA-TCP),<sup>94</sup> in addition to numerous earlier groupings. Both South-South and regional cooperation would be supported by thinking outside the mainstream model in order to enhance human-centred development and human-centred globalization.

#### F. Transnational civil society and non-State-based forms of solidarity

In realizing the right to development, civil society can be the vital impetus in moving forward in the common interests of all, despite the divisions which have traditionally coloured the intergovernmental debate. In the quest for sustainable development, global civil society has played a critical role and may hold the keys to a shared future. In labour regulation and corporate governance, initiatives by non-governmental organizations and voluntary codes by business involving corporate social responsibility provide scope for responsibility-sharing. In the tourism sector, efforts have been made to ensure that poor and marginalized communities do not suffer from the disproportionate costs associated with tourism development while also missing out on the benefits. In this respect, the Global Code of Ethics for Tourism, adopted by the General Assembly of the World Tourism Organization in 1999, stipulates in article 9 (5):

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

Cooperatives and socioeconomic movements based on livelihoods are examples of efforts founded on human solidarity and resonant with salient elements of the right to development, including equity; active, free and meaningful participation in development; and fair distribution of its benefits. Livelihoods of peo-

<sup>94</sup> ALBA-TCP is an international cooperation organization based on the idea of social, political and economic integration between the countries of Latin America and the Caribbean, which will include bartering and mutual economic aid rather than trade liberalization and free trade agreements. Members are Antigua and Barbuda, Cuba, Ecuador, Nicaragua, Saint Vincent and the Grenadines and Venezuela (Bolivarian Republic of), with Saint Lucia and Suriname as guest members.

ple are critical in the quest for sustainable development and the productive engagement of all people, especially women and youth. Currently, over 1 billion people belong to cooperative movements, which create over 100 million jobs. The experiences of farmers and farmer activists have contributed to a variety of collective expressions and actions for change. Alternative food production and distribution systems managed by localized *sangham* cooperatives in India, the growth of fair and ethical trade in Kenya and across Africa, and global grass-roots food sovereignty movements such as La Via Campesina have created practical, context-specific and successful alternatives to unsustainable development.<sup>95</sup>

## VI. Conclusion

*A human being is a part of a whole, called by us "universe", a part limited in time and space. He experiences himself, his thoughts and feelings as something separated from the rest ... a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest to us. Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole nature in its beauty.*<sup>96</sup>

Climate change and the confluence of the global economic, financial, food, energy and other crises raise fundamental, even existential, questions about our value systems. International law constitutes both a value system and a regulatory framework. Yet, its fragmented nature, illustrated by the lack of convergence of international law in relating to economic policy, trade, human rights and the environment, underlines, firstly, a need for coherence, one which gives primacy to human dignity.<sup>97</sup> Secondly, and in relation to the first point, it also emphasizes the need for international law to reflect an emerging body of shared global public values.<sup>98</sup> The right to development, underlined by international solidarity, can serve not only as a normative basis for such coherence but also as a normative bridge connecting the world's peoples, in that it stresses global justice and an equitable international order for all.

Mark Malloch-Brown has shown how, in fact, the plethora of international agreements evolving in all aspects of international life, including globalization, are in themselves a revolution in international cooperation. He argues for a new global social contract, with inclusive global economic policy based on shared goals, and a shift in political culture to embrace global responsibility and meet global objectives. From this point of view global solidarity, if defined as living by rules and limits suitable to our fragile shared habitat, would encourage finding value in our history.<sup>99</sup>

Stewardship of the Earth and all its people is the responsibility of Governments and all others in a multi-stakeholder world. Human rights and responsibilities are fundamental to global governance that can ensure ecological integrity: "If we see ourselves as citizens of social and ecological communities, we become aware of the incredible power of connectedness and responsibility."<sup>100</sup> Yet, 20 years after the Rio Declaration on Environment and Development, a group of civil society organizations can point out: "To date, a holistic approach of sustainability has not been adopted for action. It is necessary to redefine, for public policy and public life, the concepts of development and well-being, along with their content, their metrics and their strategies."<sup>101</sup> They proposed eight interconnected principles which, taken together rather than in isolation, constitute a solid foundation for a new sustainability rights framework: solidarity principle; "do no harm" principle; principle of common but differentiated responsibilities; "polluter pays" principle; precautionary principle; subsidiarity principle; principle of free, prior and informed consent; and principle of peaceful dispute settlement.<sup>102</sup> Both globally and locally, approaches to development which uphold human rights, respect nature and foster a culture of peace and non-violence are emerging<sup>103</sup> and can be paths to social justice. They share much in common with the right to development, including the ideas of self-determined development in harmony with local cultures and value systems, and a sense of sharing, community and solidarity.

<sup>95</sup> Sarah Cook and Kiah Smith, "Introduction—green economy and sustainable development: bringing back the 'social'", *Development*, vol. 55, No. 1 (March 2012), pp. 5-9.

<sup>96</sup> Albert Einstein, cited in Westra, Bosselmann and Westra, *Reconciling Human Existence with Ecological Integrity* (see footnote 32), p. 319.

<sup>97</sup> Shyami Puvimanasinghe, *Foreign Investment, Human Rights and the Environment: A Perspective from South Asia on the Role of Public International Law for Development* (Leiden and Boston, Koninklijke Brill MV, 2007), pp. 254-260.

<sup>98</sup> *Ibid.*

<sup>99</sup> Mark Malloch-Brown, *The Unfinished Global Revolution: The Road to International Cooperation* (Penguin Books, 2012), pp. 236-241.

<sup>100</sup> Klaus Bosselmann, "The way forward: governance for ecological integrity", in *Reconciling Human Existence with Ecological Integrity* (see footnote 32), p. 329.

<sup>101</sup> "No future without justice: report of the Civil Society Reflection Group on Global Development Perspectives", *Development Dialogue No. 59* (Uppsala, Dag Hammarskjöld Foundation, 2012), p. 20.

<sup>102</sup> *Ibid.*, pp. 23-26.

<sup>103</sup> For instance, the emerging concept of a solidarity economy put forward by global civil society groups and locally, from Bhutan (see Dasho Karma Ura, "The gross national happiness index of Bhutan", *ibid.*, pp. 59-60) and from Bolivia and Ecuador (see Jorge Ishizawa, "The concept of *Buen Vivir*", *ibid.*, p. 28).

The far-sighted wisdom of the Declaration on the Right to Development provides an alternative paradigm of development and international economic relations, the realization of which is dependent on international solidarity, through which we “declare our responsibility to one another, to the greater community of life, and to future generations”.<sup>104</sup>

<sup>104</sup> The Earth Charter, available from [www.earthcharterinaction.org](http://www.earthcharterinaction.org).

Looking towards the future of human and ecological well-being in a globalizing world, any path to development, including the Post-2015 Development Agenda, must be guided by the realization of all universal human rights and social justice for all people everywhere. The right to development, with its holistic normative foundations, broad cosmopolitan nature and deep structural approach, has the transformative potential to move us along this path.