

## Draft declaration on the right to international solidarity<sup>a</sup>

*The General Assembly,*

*Guided* by the Charter of the United Nations, and recalling, in particular, the determination of States expressed therein to reaffirm 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, to establish 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 larger freedom and to unite their strength to maintain international peace and security,<sup>b</sup>

*Recalling* that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction and that all State Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of this purpose,

*Recalling also* that international solidarity inspires the Universal Declaration of Human Rights, in which the equal and inalienable rights of all members of the human family are recognized<sup>c</sup> and which states that all human beings are born free and equal in dignity and rights,<sup>d</sup> and affirms that everyone is entitled to a social and international order in which rights and freedoms can be fully realized,<sup>e</sup>

*Taking into account* the fifth preambular paragraph of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which states that individuals, having duties to other individuals and to the communities to which they belong, are under a responsibility to strive for the promotion and observance of the rights recognized therein,

*Bearing in mind* that international cooperation and solidarity are fundamental principles underlying the endeavour of international law, reflected in General Assembly resolution 2625 (XXV), which affirms the duty of States to cooperate with one another in accordance with the Charter, as well as international agreements such as the United Nations Convention on the Law of the Sea, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the Antarctic Treaty, which reflect and address global concerns,

*Recognizing* the affirmation of international solidarity and cooperation enshrined in the Preamble to the Convention relating to the Status of Refugees and reflected in the Geneva Conventions relating to the protection of victims of international armed conflicts and throughout international humanitarian law,

*Recalling* the preamble of the United Nations Framework Convention on Climate Change, in which the parties acknowledge the need for international cooperation in accordance with common but differentiated responsibilities and respective capabilities,

*Recognizing* the commitment to international solidarity embraced by the Declaration concerning the aims and purposes of the International Labour Organization and embodied in that Organization's fundamental conventions,

*Recalling* the multitude of international and regional human rights treaties and other instruments that express international solidarity, most notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, the Declaration on the Right to Development of 1986 and the Vienna Declaration and Programme of Action of 1993,

*Taking into account* the global commitment to solidarity for sustainable development found in international documents including the Rio Declaration on Environment and Development of 1992, the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development and the Beijing Declaration and Platform for Action of 1995, the United Nations Millennium Declaration of 2000 and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the 2030 Agenda for Sustainable Development of 2015,

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<sup>a</sup> This document is the Annex of report A/HRC/35/35 of the Independent Expert on human rights and international solidarity, Virginia Dandan.

<sup>b</sup> See the Charter of the United Nations, preamble.

<sup>c</sup> See the Universal Declaration of Human Rights, preamble.

<sup>d</sup> *Ibid.*, art. 1.

<sup>e</sup> *Ibid.*, art. 28.

*Bearing in mind* that all regional agreements are founded on and express international solidarity and cooperation, including the Constitutive Act of the African Union, the Charter of the Organization of American States, the Charter of the League of Arab States, the founding treaties of the European Union, and the Charter of the Association of Southeast Asian Nations,

*Affirming* that international solidarity is a broad principle encompassing, but not limited to, sustainability and responsibility in international relations, the peaceful coexistence of all members of the international community, accountability of States to each other and to their respective citizens, organizations, constituents and stakeholders,<sup>f</sup> equal partnerships and the equitable sharing of benefits and burdens,<sup>g</sup> according to the principle of common but differentiated responsibilities,<sup>h</sup>

*Mindful* that, while globalization opens up new opportunities for growth and development, it also presents challenges including growing inequality, widespread poverty, unemployment, social disintegration and environmental risks that demand increased coordination and collective decision-making at the global level,

*Stressing* that international solidarity is a fundamental concept of mutually reinforcing relations among individuals, peoples and States, an essential element that underpins global partnerships, a key approach to peace, disarmament and poverty eradication, and an indispensable component of the efforts to realize all human rights, including the right to development, and internationally agreed development goals,

*Recognizing in this regard* that international solidarity is essential in overcoming global challenges such as natural disasters, health emergencies and epidemic diseases, the adverse effects of climate change, armed conflict, poverty and hunger, especially among children, terrorism and transnational armed militias, and violence against women,

*Taking into account* General Assembly resolution 60/251, recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Emphasizing* the commitment of States in the 2030 Agenda for Sustainable Development to a revitalized Global Partnership in a spirit of global solidarity, particularly solidarity with the poorest and with people in vulnerable situations,

*Convinced* that overcoming all current and future global challenges, achieving internationally agreed development goals and the full realization of human rights for all critically rest on international solidarity,

*Declares* the following:

## ***Part I. International solidarity: definition, principles and objectives***

### **Article 1**

1. International solidarity is the expression of a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals.
2. International solidarity is a foundational principle underpinning contemporary international law in order to preserve the international order and to ensure the survival of international society.
3. The principle of international solidarity is based on, and in accordance with:
  - (a) Justice, equity, peace, non-interference, self-determination, mutual respect and accountability in international relations;
  - (b) The permanent sovereignty of each State over its own natural wealth and resources and to determine freely its own objectives of sustainable development, to set its own priorities and to decide, in accordance with international human rights law, including the right to development and the principles of the Charter of the United Nations, the means and methods of achieving those objectives, without any external interference;<sup>i</sup>
  - (c) Equitable, just and fair partnerships of States as the basis of international cooperation;

<sup>f</sup> See the Busan Partnership for Effective Development Cooperation 2011 outcome document. Available from [www.oecd.org/dac/effectiveness/49650173.pdf](http://www.oecd.org/dac/effectiveness/49650173.pdf). See also Organization for Economic Cooperation and Development, Development Assistance Committee, "DAC action-oriented policy paper on human rights and development" (2007). Available from <http://inprol.org/resource/6398/oecd-dac-action-oriented-policy-paper-on-human-rights-and-development>.

<sup>g</sup> See Human rights Council resolution 18/5, para. 2.

<sup>h</sup> See United Nations Framework Convention on Climate Change, art. 3.

<sup>i</sup> See A/HRC/21/66, para. 22 (e).

(d) Respect for and protection and fulfilment of human rights and fundamental freedoms for all individuals, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status;

(e) The accountability of States to their peoples concerning the implementation of their foreign policy and their bilateral, regional and international agreements and partnerships, for the actions of the international organizations of which they are members, in conformity with the States' international human rights obligations,<sup>j</sup> and for failures to investigate, prevent or sanction the conduct of the private sector within their jurisdiction.

## **Article 2**

International solidarity consists of preventive solidarity, reactive solidarity and international cooperation:

(a) Preventive solidarity is characterized by collective actions to safeguard and ensure the fulfilment of all human rights, and requires that States fully respect and comply with their obligations under international law, and that individuals, peoples, civil society, the private sector and international organizations complement the efforts of States through their activities in that regard;

(b) Reactive solidarity is characterized by collective actions of the international community to respond to the adverse impacts of natural disasters, health emergencies, epidemic diseases and armed conflict, with the goals of alleviating human suffering, mitigating further damage and ensuring that the response complies fully and effectively with States' obligations under international human rights law;

(c) International cooperation rests on the premise that some States may not possess the resources or capacity necessary for the full realization of the rights set forth in international human rights treaties. States in a position to do so should provide international assistance, acting separately or jointly, to contribute to the fulfilment of human rights in other States in a manner consistent with the fundamental principles of international law and international human rights law.

## **Article 3**

The general objective of international solidarity is to create an enabling environment for:

(a) Preventing and removing the causes of asymmetries and inequities between and within States, and the structural obstacles and factors that generate and perpetuate poverty and inequality worldwide;

(b) Engendering trust and mutual respect between States and non-State actors to foster peace and security, development and human rights;

(c) Promoting a social and international order in which all human rights and fundamental freedoms can be fully realized.

## ***Part II. The human right to international solidarity***

### **Article 4**

1. The right to international solidarity is a human right by which individuals and peoples are entitled, on the basis of equality and non-discrimination, to participate meaningfully in, contribute to and enjoy a social and international order in which all human rights and fundamental freedoms can be fully realized.

2. The right to international solidarity is grounded in the codification and progressive development of freedoms and entitlements contained in international human rights treaties reflecting civil and political rights, economic, social and cultural rights, the right to development and international labour standards, and complemented by other responsibilities arising from voluntary commitments undertaken in the relevant fields at the bilateral, multilateral, regional and international levels.

### **Article 5**

Individuals and peoples, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status, have the right, individually and in association with others, within or beyond their territories and national boundaries, to claim the right to international solidarity, with particular reference

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<sup>j</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 50.

to indigenous peoples, minorities, migrants, refugees and other groups, such as civil society groups and other organizations.

#### **Article 6**

1. All States, whether acting individually or collectively, including through international or regional organizations of which they are members, have the primary duty to realize the right to international solidarity.
2. International organizations and non-State actors also have a duty to respect the right to international solidarity, particularly in situations where such actors bear similar and complementary responsibilities to the duties of States.

#### ***Part III. Implementing the right to international solidarity***

#### **Article 7**

1. States shall cooperate with each other and with non-State actors to promote collective action to address poverty, hunger, illiteracy, violent conflict, gender discrimination, preventable deaths and contemporary slavery in all its forms, paying attention to, inter alia, the interrelationship between all these issues and the intersectional nature of discrimination.
2. States shall take all appropriate measures to address the fact that many women and girls face situations of vulnerability, multiple forms of discrimination and gender-based violence.
3. States shall ensure that the procedures and outcomes under international agreements and standards are fully consistent with their human rights obligations in matters pertaining to, inter alia, international trade, investment, finance, taxation, climate change adaptation and mitigation, environmental protection, humanitarian relief and assistance, development cooperation and security.
4. States shall take appropriate, transparent and inclusive action to ensure the meaningful participation of individuals and peoples in decision-making processes at the national, bilateral, regional and international levels on matters that affect their lives.
5. States shall adopt and effectively implement policies and programmes targeted at the promotion and protection of, inter alia, the rich variety and diversity that exist in the cultures of individuals and peoples who make up international society, and the reciprocal influences they exert on each other.

#### **Article 8**

1. States shall establish an appropriate institutional framework and adopt domestic measures, legislative or otherwise, to give effect to the right to international solidarity and to ensure that actions and omissions by States and non-State actors do not adversely affect the exercise and full enjoyment of human rights.
2. States shall abstain from impeding access to actual and virtual spaces where individuals and peoples can freely exchange information without unnecessary restrictions.

#### **Article 9**

1. States shall implement a human rights-based approach to international cooperation and all partnerships in responding to global challenges such as those relating to:
  - (a) Peace and security, global governance, environmental protection and climate justice, humanitarian relief and assistance, trade, foreign debt, official development assistance, social protection, education, health, and food and nutritional security;
  - (b) Participatory global governance where structural inequalities are addressed;
  - (c) Building equality in power relations between women and men in national, regional and global decision-making and leadership positions;
  - (d) Creating a global enabling environment for sustainable development that is centred on individuals and peoples and grounded in intergenerational equity.
2. States shall establish and implement appropriate mechanisms to ensure that international cooperation is based on equal partnerships, mutual commitments and obligations, without conditionalities that hinder the exercise and enjoyment of human rights, where partner States are accountable to each other, as well as to their respective constituents at the national level, for the outcomes of policies, strategies and performance, whether at the bilateral, regional or international level, which shall be in accordance with international human rights principles and standards.

3. States shall give effect to the establishment of a fair, inclusive, participatory and human rights-based international trade and investment regime where all States shall act in conformity with their obligation to ensure that no international trade agreement or policy to which they are a party has any adverse impact on the protection, promotion and fulfilment of human rights both within and beyond their borders.

4. International cooperation shall be aimed at enabling each State to fulfil its primary responsibility to devote maximum available resources to the implementation of its human rights obligations at the national level, both in the immediate fulfilment of its core obligations as a priority, and in the concrete, deliberate and targeted progressive realization of all human rights, including the right to development.

#### **Article 10**

Nothing in the present declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, individual or people has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the international human rights instruments.

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