

***INTERNATIONAL SOLIDARITY, THE RIGHT TO DEVELOPMENT AND
THE MILLENNIUM DEVELOPMENT GOALS***

by

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In the 1970s, Karel Vasak launched a new category of human rights, called solidarity rights. Solidarity rights sought to infuse the human dimension into areas where it had been missing, such as development.¹ We remember the jurist Karel Vasak for his proposal in 1979 regarding the division of human rights into three generations that follow the three watchwords of the French Revolution: *liberte*, *egalite*, *fraternite*. In other words, first generation human rights deal essentially with liberty and are fundamentally civil and political in nature that serve to protect the individual from excesses of the State. Second generation human rights are fundamentally economic, social and cultural in nature and are positive rights that the State is required to fulfil for people under its jurisdiction based on equal treatment and conditions. Third generation human rights focus essentially on fraternity and in general terms can be seen as rights of solidarity, covering group or collective rights.

I cite this not to spark a debate in this forum on the question of the three generations of rights but merely to refresh our memory about who Karel Vasak is. The more important aspect is that he talked about how solidarity rights infuse the human dimension into areas where it has been missing, such as development and at

¹ De Feyter, Koen. *Human Rights in the Age of the Market*. Manila: IBON Books, 2005. P. 111.

that time, the Declaration on the Right to Development was not yet in existence, and neither was the Millennium Declaration.

This year we celebrate the 25th anniversary of the Declaration on the Right to Development and in another four short years in 2015, we will revisit each of the MDGs to see whether States have lived up to their commitments . The aim of the Millennium Declaration is to direct development efforts of all relevant actors towards the realization of agreed goals. UNDP has described the declaration as a compact among nations to end human poverty. In this regard, it can be said that the Millennium Declaration is the closest the international community has come to organizing international solidarity for achieving a number of human rights-related goals. One can also read the declaration cynically. For example, the right to primary education compulsory and truly free, is immediately applicable under the International Covenant on Economic, Social and Cultural Rights, while the Millennium Declaration states its achievement by 2015 as simply a target. But it must be said that at least the declaration gives recognition to the fact that an international effort by various actors will be required if even very basic levels of satisfaction of what are in fact economic, social and cultural rights, are to be achieved within the prescribed timeframe.

In his final report to the Human Rights Council, the former Independent Expert on Human Rights and International Solidarity, my predecessor Mr. Rudi Muhammad Rizki, summarizes the answers to the questionnaire on human rights and international solidarity he had sent to States, UN departments and bodies, specialized agencies, other international organizations, non-governmental organizations and special procedures mandate holders of the Human Rights Council. In his conclusion in the same report, Mr. Rizki underlines the value and significance of international solidarity in an interdependent world, and how it may

eventually guide the progressive development of international law on human rights and international solidarity.

Mr. Rizki reported that in the responses to his questionnaire, several respondents viewed international solidarity and the right to development as complimentary and mutually reinforcing. International solidarity should be an indispensable component of efforts to realize the right to development, which could help to lessen the gap between developed and developing countries by buttressing rhetoric and declarations with tangible actions. He further reported the view by some respondents that the right to development mandates fostering just global social and economic arrangements and a sense of human solidarity among all peoples. He notes however that international relations are still subject to the law of the strong and powerful in economic and military terms and that attempts to exercise pressure on other countries pose a challenge that requires international cooperation.

Reading the MDG8, to create a global partnership for development, side by side with the other MDGs will sharpen our recognition of the impact of MDG8 on all the other MDGs, in particular MDG1, to eradicate extreme poverty and hunger. Target 8a of MDG8, is to develop further an open, rule-based, predictable, non-discriminatory trading and financial system includes a commitment to good governance, development and poverty reduction, both nationally and internationally. Target 8b is to address the special needs of the least developed countries through, among a list of other things, a more generous ODA for countries committed to poverty reduction. Target 8c is to address special needs of landlocked developing countries and small developing States. Target 8d is to deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term. All

these targets under MDG8 speak to poverty eradication, in the short-run and in the long-run, at the national and international levels.

The MDGs begin with the worldwide phenomenon of poverty, and ends with global partnership. In between are goals addressing situations that are related to poverty as either cause or consequence. I find it symbolic that the last MDG is about global partnership for development. My own thinking is that without global partnership the MDGs will continue to elude the world community. The term “global partnership” can refer to either bilateral or multilateral relations. Global partnership has to do with international cooperation and international assistance. Global partnership also has to do with international solidarity. But exactly to what extent it is, is among the list I have just begun to compile, of essential issues I have yet to consider, and hopefully, with your help and support.

In going back to the issue of poverty, it is regrettable that the human rights dimensions of poverty eradication policies rarely receive the attention they deserve. This neglect is even more regrettable for the fact that a human rights approach to poverty can reinforce anti-poverty strategies to make them more effective, whether in the national or international level. I say this in the light of my experience as member of the Committee on Economic, Social and Cultural rights. In May 2001 the CESCR adopted a statement on poverty and economic, social and cultural rights. In that statement, the Committee expressed its firm view that poverty constitutes a denial of human rights. This view arose in the context of the Committee’s experience gained over many years of examining numerous States parties’ reports, where the issue of poverty frequently arises in the course of the Committee’s dialogue with States. The statement did not seek to formulate a detailed anti-poverty programme or plan of action, but to identify concisely the distinctive contribution of international human rights to poverty eradication.

The Committee calls attention in the statement, to the reality that poverty is not confined to developing countries and societies in transition, and therefore it is a global phenomenon experienced in varying degrees by all States. Many developed States have impoverished groups, such as minorities or indigenous peoples, within their jurisdictions. Also, within many rich countries there are rural and urban areas where people live in appalling conditions—pockets of poverty amid wealth. In all States, women and girls bear a disproportionate burden of poverty, and children growing up in poverty are often permanently disadvantaged. In the Committee’s view, the greater empowerment of women in particular is an essential precondition for the eradication of global poverty. Although human rights are not a panacea, they can help to equalize the distribution and exercise of power within and between societies.

In the recent past, poverty was often defined as insufficient income to buy a minimum basket of goods and services. Today, the term is usually understood more broadly as the lack of basic capabilities to live in dignity. This definition recognizes poverty’s broader features, such as hunger, low-quality education, discrimination, vulnerability and social exclusion, and this understanding of poverty corresponds to the provisions of the ICESCR. The Covenant empowers those who live in poverty, by enshrining their rights within normative frameworks and imposing legal obligations on others, such as States, to respect, protect and fulfil those rights. Critically, rights and obligations demand accountability and unless supported by a system of accountability, they can become no more than window dressing. Accordingly, the human rights approach to poverty emphasizes obligations and requires that all duty-holders, including States and international organizations, are held to account for their conduct in relation to international human rights law. In its General Comment No. 14, the Committee emphasizes that

it is particularly incumbent on all those in a position to assist, to provide “international assistance and cooperation, especially economic and technical” to enable developing countries to fulfil their minimum, essential core obligations. Core obligations give rise to national responsibilities for all States and international responsibilities for developed States, as well as others that are “in a position to assist”.

Core obligations are non-derogable, as they continue to exist even in situations of conflict, emergency and natural disaster. *Because poverty is a global phenomenon, core obligations have great relevance to some individuals and communities living in the richest States. In the Committee’s view, it is imperative that measures be urgently taken to remove these global structural obstacles, such as unsustainable foreign debt, the widening gap between rich and poor, and the absence of an equitable multilateral trade, investment and financial system. Otherwise, the national anti-poverty strategies of some States have limited chance of sustainable success.*² You will notice that these “global structural obstacles” the Committee refers to, are the very same MDGs, particularly MDG8.

In this regard, the Declaration on the Right to Development, in article 3.3. similarly underscores how “States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.”

I am deliberately taking the time to speak of the ICESCR and the work of the Committee so as to articulate how the MDGs are directly linked to the

² For the full text of the CESCR Statement on Poverty and Economic, Social and Cultural Rights, see E/C.12/2001/10.

provisions of the Covenant, as well as to call attention to how our aspirations for a better world resonate with already existing norms contained in at least one international human rights treaty. I have just assumed the mandate of international solidarity and it is my intention to pick up where my predecessor left off, and to apply the experience I have gained as member of the CESCR for twenty years, eight years of which I had the privilege of being its Chairperson. Yesterday at the interactive dialogue with the HRC, I declared my commitment to deliver the draft declaration on the right of peoples and individuals to international solidarity by the end of my term in 2014. In preparation for that, a workshop will be held next year on guidelines and principles in relation to that right. I warmly invite your participation in that workshop.

In conclusion I share with you my vision that solidarity far exceeds the sense of a common bond that is rightfully synonymous with solidarity. 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.

Solidarity implies a building process based on faith in each other. Great thinkers and philosophers through the ages teach us that we see the world only as we think it to be. In other words, the world that we see is but a mirror of what is in our mind, and not of what the world is in reality. We must first think of some thing before we see that some thing in our world. This means that to be able to *see* solidarity, we must first *think* solidarity. As a matter of fact, the right to

international solidarity already exists and it is a question of recognition rather than invention. Our primary task therefore is to open our minds to the idea of the right to international solidarity so that perhaps as we think and work together in oneness, we will indeed behold the right to international solidarity, and realize that it has been there all along.

I thank you for your support for my mandate, and for your generous attention in listening to my words. It is with great expectations and gratitude from the heart, that I look forward to our collaboration, in solidarity.
