



## General Assembly

Distr.  
GENERAL

A/HRC/4/8  
7 February 2007

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Fourth session  
Item 2 of the provisional agenda

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Human rights and international solidarity**

#### **Note by the United Nations High Commissioner for Human Rights**

The High Commissioner for Human Rights has the honour to submit to the members of the Human Rights Council the report of the independent expert on human rights and international solidarity, Rudi Muhammad Rizki, appointed pursuant to Commission resolution 2005/55.\*

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\* The present report was submitted later than the indicated deadline, in order to incorporate the latest available information on the subject matter.

## **Summary**

The present report is submitted in accordance with Human Rights Council decision 1/102, adopted at its first session, in which it decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the special procedures of the Commission on Human Rights. In the present report, the independent expert provides an overview of the evolution of international solidarity, followed by sections on the three areas of focus he identified in his first report: international cooperation; global response to natural disasters, diseases and agricultural pests; and third-generation rights, providing some practical suggestions for action in each area. In conclusion, the independent expert emphasizes the need for international solidarity in the present-day globalized society, and argues for recognition of international solidarity as a right of peoples.

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## **Introduction**

1. The independent expert, in his first report, took into account his mandate pursuant to resolution 2005/55 of the Commission on Human Rights. The present report elaborates on the first report, which was considered at the second session of the Human Rights Council. It also provides an update on the work of the independent expert, bearing in mind that a relatively short period of time has elapsed since the consideration of his previous report by the Council.

2. In accordance with the mandate, the independent expert identifies below some of the international legal instruments which underpin the mandate, some priorities identified by the expert, and some practical examples for consideration. Recognizing the dearth of research and lack of legal instruments directly corresponding to the broad area of international solidarity, the independent expert has endeavoured to be consistent with his mandate and undertaken as extensive research as possible for the purpose of this report.

3. The independent expert seeks to develop the human rights of people through international solidarity in three major areas of focus, namely: international cooperation, global response to natural disasters, diseases and agricultural pests; and third- generation rights. These three major areas of focus represent the existence of international solidarity in international forums.

4. By indicating the importance and existence of international solidarity in the major areas of focus, the independent expert seeks to establish international solidarity in United Nations human rights instruments. Furthermore, the independent expert aims to endorse the practice of international solidarity by more international actors and to encourage them to take initiatives towards international solidarity, and to practice it in international relations.

5. In an increasingly globalized world, there is greater interaction and interdependence between groups and individuals. After World War II an open and co-operative global system was set up, entrenching globalization firmly in the world. However, globalization as we know it has also resulted in an unequal distribution of benefits among the countries of the world. This situation implies an international challenge and General Assembly resolution 55/2 states that the central challenge we face today is to ensure that globalization becomes a positive force for all the people of the world.

6. General Assembly resolution 55/2 further states that, while globalization offers great opportunities, its benefits are very unevenly shared and its costs unevenly distributed. It recognizes that developing countries and countries with economies in transition face special difficulties in responding to this challenge and that only through broad and sustained efforts to create a shared future can globalization be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation.

7. The global system lessens barriers between States, rendering the transfer of peoples and goods less difficult. Migration of peoples is tangible and so are the effects. The current issue of terrorism is not new, however after the tragedy of 9/11, which shocked the human conscience,

the world is more aware of the threat of terrorism. At the 2005 World Summit, the world's leaders agreed to take action on fighting terrorism. By its global nature, terrorism requires a global response, with measures undertaken by the entire international community. The responsibility for fighting terrorism is shared collectively, in light of human dignity.

8. In resolution 55/2, the General Assembly recognizes that in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. Leaders have a duty therefore to all the peoples of the world, especially the most vulnerable, and in particular to children.

## **I. THE DEVELOPMENT OF INTERNATIONAL SOLIDARITY**

9. Collective rights, referred to by some as group rights, are closely connected to international solidarity and emerged, predominantly supported by developing countries, in the 1970s. The concept developed as an addition to individual human rights.

10. In his working paper on human rights and international solidarity (E/CN.4/Sub.2/2004/43), Rui Baltazar Dos Santos Alves states that solidarity implies a communion of responsibility and interests between individuals, groups, nations, and States.

11. From a global perspective, interdependence, by its very nature, exists not only between States, but also between other international actors, and these relationships require international cooperation. International cooperation is needed to fulfil not only partial but also international interests. The nature of the world's interdependence will contribute to the basic principles of equity and social justice. As the benefits are so unequally distributed, international cooperation is needed to attain equal and fair distribution of costs and burdens.

12. The independent expert has defined international solidarity as the union of interests or purpose among the countries of the world and social cohesion between them, based upon the dependence of States and other international actors on each other, in order to preserve the order and very survival of international society, and in order to achieve collective goals, which require international cooperation and joint action.

13. Some jurists argue that Article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights provides a clear basis for a number of claims concerning solidarity rights. Professor Burns Weston, of the University of Iowa, identifies six categories of solidarity rights: the right to economic, political, social and cultural self-determination; the right to economic and social development; the right to participate in and benefit from the common heritage of mankind and other information and progress; the right to peace; the right to a healthy environment; and the right to humanitarian relief.

14. Although the principle of international solidarity itself is not new, and moreover is embodied in the Millennium Development Goals, it could emerge as one of the major strategies to help achieve the right of peoples to a better standard of living. It is feasible to acknowledge international solidarity as a factor in meeting the needs of the geopolitics and global challenges of today. There are discernible differences between this and the individual rights contained in human rights instruments.

15. The emergence of solidarity rights or third-generation rights is closely connected with the perception in developing countries of unequal development and unfair distribution of the benefits of globalization.

16. The idea of international solidarity can be said to have a legal basis in a number of existing international instruments. These include: the Charter of the United Nations, Article 1, paragraphs 2 and 3 and Article 55, sub-paragraph (b); the United Nations Millennium Declaration; the Millennium Development Goals (as reviewed in their report of 2006); the Declaration on the Right to Development; the preamble to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993 (Vienna Declaration); the Universal Declaration on the Human Genome and Human Rights, article 17; the preamble to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Declaration on Cultural Diversity; and the Charter of Fundamental Rights of the European Union, chapter IV.

## **II. AREAS OF FOCUS**

17. In his first report, the independent expert identified three major areas of focus to develop in the course of his mandate, namely: international cooperation; the global response to natural disasters, diseases and agricultural pests; and third-generation rights.

### **A. International cooperation**

18. International cooperation is of essential importance to the realization of the right to development and in contributing to equality in development. Full realization of the right to development encompasses issues such as: drinking water; housing; the international financial and trading system; access to affordable essential drugs; and transfer of technology.

19. Effective international cooperation is considered of significant importance in promoting the rapid development of developing countries and in providing these countries with appropriate means to facilitate and foster their comprehensive development. The Monterrey Consensus of 2002 implied a new partnership between developed and developing countries, if internationally agreed development goals, including the Millennium Development Goals, are to be achieved.

20. Other international agreements and instruments which emphasize international cooperation include: the Declaration on the Right to Development, article 1, paragraph 1, article 2, paragraph 1 and article 3, paragraph 2; the United Nations Millennium Declaration; the Vienna Declaration Part I, paragraph 10; Millennium Development Goal 8; the Charter of the United Nations, Articles 1, paragraph 3, 55 and 56; the Universal Declaration of Human Rights, articles 22 and 28; the International Covenant on Economic, Social and Cultural Rights, article 2, paragraph 1, article 11, paragraph 1, articles 22 and 23; the Convention on the Rights of the Child, articles 4, 24, paragraph 4, and 28, paragraph 3.

21. International cooperation is of essential importance in achieving sustained growth, to ensure that people in all developing countries can benefit from globalization and to fight the backlash against globalization, caused by unequal distribution of the benefits. The spirit of

international cooperation as an approach to globalization is enacted in the Monterrey Consensus which emphasizes the need for international cooperation and joint action in line with the spirit of solidarity, in facing global economic challenges.

### **Practical examples**

22. The independent expert proposes that Member States give consideration to:

(a) Endorsement of regional initiatives, particularly in the least developed countries, for monitoring the realization of human rights, especially the right to development;

(b) Granting free access to the markets of developed countries for goods produced in poor countries and, as a first step, be prepared to adopt a policy of duty and quota-free access for all exports from the least developed countries;

(c) Implementation of the expansion of the debt relief programme for heavily indebted poor countries without further delay, and agreement to cancel all official bilateral debts of those countries, in return for their making demonstrable commitments to poverty reduction;

(d) Provision of more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction;

(e) More accessible and predictable official development assistance. Many donors are set to meet the target of dedicating 0.7 per cent of gross national income to official development assistance by the year 2015.

### **Table**

**Official Development Assistance in 2005**  
(from United Nations Millennium Project)

Country	Aid as % of GNI	Country	Aid as % of GNI
Australia*	0.25	Japan*	0.28
Austria	0.52	Luxembourg	0.87
Belgium	0.53	Netherlands	0.82
Canada*	0.34	New Zealand	0.27
Denmark	0.81	Norway	0.93
Finland	0.47	Portugal	0.21
France	0.47	Spain	0.29
Germany	0.35	Sweden	0.92
Greece	0.24	Switzerland*	0.44
Ireland	0.41	United Kingdom	0.48
Italy	0.29	United States*	0.22

\* Indicates countries that have not set a timetable for 0.7 per cent.

## **B. Global responses to natural disasters, diseases and agricultural pests**

### **Natural disasters**

23. Humanitarian assistance is the recognition of human rights in the situation of natural disasters. The definition of natural disasters should not be confused with man-made disasters and catastrophes caused by environmental problems.

24. Learning from the precedents of natural disasters, as mentioned in the previous report of the independent expert, (the tsunami disaster that struck the Indian Ocean and South-East Asian region on 26 December 2006, Hurricane Katrina which hit the southern part of the United States in August 2005, and the earthquake that struck Pakistan and India in October 2005), we need to develop a framework of structural measures for disaster relief. International solidarity is by definition based on interdependence in order to achieve collective goals, which require international cooperation and joint action and which, in turn, are particularly required for disaster relief.

25. In recent years, there has been an increase in the impact of natural disasters in terms of numbers, victims, and the scale of the damage caused. These have created a growing recognition of international solidarity and the sustainable development and effort needed to prevent and reduce the effects of natural disasters. Devastation has generally struck in some of the poorest places on earth.

26. Natural disasters have had an overwhelming effect on developing countries, delaying the integration of their economies into the world economy, causing deaths and damaging infrastructure and basic services. The work of the United Nations in extending multilateral humanitarian assistance, however, should not replace or compete with bilateral assistance.

### **Practical examples**

27. The independent expert proposes that Member States give consideration to:

(a) Providing assistance and cooperation in developing and implementing measures for disaster relief and emergency response, through exchange of information and technology and based on mutual assistance;

(b) Responding promptly to a request for assistance from an affected country.

### **Diseases**

28. Promoting health and fighting pandemics, such as HIV/AIDS, malaria, and the emerging avian influenza, will improve the lives of many people and resonate with Millennium Development Goal 6. The importance given to tackling HIV/AIDS and malaria, as stated in Millennium Development Goal 6, is justified since both are diseases of poverty and caused by poverty, killing more than 4 million people every year.

29. Avian influenza itself is a new potential pandemic, a contagious viral disease of poultry and other birds. Human beings can be infected through close contact with affected poultry and birds. Despite the fact that, to date, the spread of the virus from person to person has been



extremely rare, the continuing spread of avian influenza may threaten the livelihoods of millions of poor livestock farmers and smallholders, and may hamper the regional and international trade in poultry. Globally, chickens and eggs are the most important sources of protein for the poor, particularly in developing countries. Thus the existence of avian influenza may threaten progress in the fight to eradicate extreme poverty and hunger, the first of the Millennium Development Goals.

30. The Universal Declaration of Human Rights, article 25, states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. This right is also enshrined in the International Covenant on Economic, Social and Cultural Rights, article 12, while the Convention on the Rights of the Child, article 24, states that “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health”.

31. The Convention on the Elimination of All Forms of Discrimination against Women Article 12, paragraphs 1 and 2, states that all appropriate measures shall be taken to eliminate discrimination against women in the field of health care and the International Convention on the Elimination of All Forms of Racial Discrimination, article 5, paragraph (e), sub-paragraph (iv) guarantees equality for everyone before the law in the enjoyment of economic, social and cultural rights, in particular the right to public health, medical care, social security and social services.

### **Practical examples**

32. The independent expert proposes that Member States give consideration to:

- (a) The need for international solidarity to combat HIV/AIDS, malaria and avian influenza by extending assistance and cooperation to developing countries in all possible measure;
- (b) Working with the pharmaceutical industry and other partners to develop an effective and affordable vaccine against HIV, and to make HIV and related drugs more widely accessible in developing countries and to take similar action in the case of avian influenza;
- (c) Setting explicit targets for reducing infection rates, and guaranteeing access to preventive information and services for these diseases;
- (d) Urging every seriously affected country to have a timely national plan of action in place;
- (e) Undertaking to cut the rate of HIV infection in young people by 25 per cent.

### **Agricultural pests**

33. Disruption of the agricultural sector can cause social unrest. Disruption in the agricultural sector can cause food shortages, price rises for food, and unemployment, and pose a threat to progress in the fight against extreme poverty and hunger. All of these could, if severe enough, have a destabilizing effect on the social and political structures of a country. Many developing countries are vulnerable to disruption of the agricultural sector.

34. Agricultural pests are one of the biggest causes of disruption. The security of the agricultural sector is essential for sustainable development and food supply. In some developing countries, mostly island states, vulnerability of the food supply can reach 92 per cent.

35. Biosecurity is a strategic and integrated approach encompassing policy and regulation for analysis and management of risk, and the sectors of food safety and animal and plant health, including associated environmental risks. Biosecurity covers the introduction of animal and plant pests and diseases, and zoonoses, as well as the introduction and release of genetically modified organisms and their products. Biosecurity is a holistic concept of direct relevance to the sustainability of agriculture, food safety and the protection of the environment, including biodiversity.

36. The independent expert has selected agricultural pests as one of the major areas of focus, because they have struck at most developing countries. The level of technology and the lack of knowledge of agricultural pests in developing countries have allowed them to become an intolerable burden and contributed to a slowdown in poverty eradication.

37. Because of the lack of an adequate legal framework, the independent expert intends to highlight the legal framework established by WTO, in particular the Agreement on Agriculture 1995, which is intended to encourage broader cooperation between developed and developing countries.

38. Although the Agreement on Agriculture has been criticized for reducing tariff protections for small farmers, which are a key source of income for developing countries, this Agreement does specify a particular set of agricultural legal relations.

39. Since there is currently an inadequate legal framework relating to agricultural pests and despite highlighting the Agreement on Agriculture, the independent expert intends to focus on legal frameworks, in particular for agricultural pests, in his next report.

### **Practical examples**

40. The independent expert proposes that Member States give consideration to:

(a) The need for international solidarity in helping developing countries to develop an analytical capacity and the necessary scientific, administrative and infrastructure capacity in agriculture;

(b) Strengthening support services to agriculture by: improving research capabilities; granting access to credit; establishing marketing services; and ensuring that farmers' needs are taken into account.

### **C. Third-generation rights**

41. The so-called generations of human rights are not intended to create a hierarchy, indicating civil and political rights as the first generation and economic, social, and cultural rights as the second generation. In fact, the independent expert prefers to speak of categories or groups of rights, in order to avoid the implication of some rights being of higher importance than others. The existence of third-generation rights has been often debated since the 1970s and

proposed as an alleged new category of collective rights. The idea was supported primarily by developing States. These collective rights include: the right to economic and social development; the right to participate in the benefits of the “common heritage of mankind”; the right to peace; the right to a healthy and sustainable environment; the right to humanitarian assistance and disaster relief; the right to communication.

42. In the case of third-generation rights there are no special enforcement procedures available at all, apart from the usual mechanisms established in relations between States.

43. How should third-generation rights be acknowledged in the United Nations human rights machinery? Third-generation rights may be described as certain rights, which are in the interest of mankind as a collective body. Since the 1970s, third-generation rights have been referred to in many resolutions, and also by many international actors. The disputed nature of the very existence of third generation rights would imply that they constitute *lex feranda* at best, and not yet *lex lata*. However, given the urgency of the demand from many international actors, these rights may very well soon be recognized.

44. In order to correspond to the realization of the Millennium Development Goals, it is intended that third-generation rights emphasize specifically the rights to economic and social development as one of the collective rights. At present, the basis of third-generation rights could be said to be simply moral, but these rights can be construed as having a legal basis in a number of existing international instruments. These include Charter of the United Nations Article 1, paragraphs 2 and 3.

45. These purposes are further reinforced by the substantive provisions of the Charter, particularly Articles 55 and 56, which clearly demonstrate that the creation of suitable international conditions is a prerequisite for the full social development of individuals.

### **Practical examples**

46. The independent expert proposes that Member States give consideration to:

(a) Making official development assistance more accessible and predictable. Many donors are set to meet the target of dedicating 0.7 per cent of gross national income to official development assistance by the year 2015;

(b) The requirements of regional initiatives, particularly in the least developed countries, for monitoring the realization of human rights, especially the right to development;

(c) Increasing annual aid flows by at least US \$50 billion, with at least half of that directed to Africa.

## **III. CONCLUDING REMARKS**

47. **The world has become more globalized and the interaction between international actors is more rapid, so there are new challenges to be faced. The benefits and burdens of this global world are not evenly distributed and, without wishing to say that globalization has a detrimental impact on the world, it does produce some negative effects. The world needs a fairer distribution of the benefits of globalization. Furthermore, globalization has**

also rendered the interaction between international actors more and more interdependent, and has engendered a more humane approach, including that of upholding the rights of people in the light of human rights.

48. The independent expert in his second report has concentrated on three major areas of focus which reflect global issues and their challenges. International solidarity need to be more developed in international relations for the sake of human rights. Global responses to natural disasters, diseases and agricultural pests are tangible issues, which profoundly affect human life and need more concerted efforts to address them. Third-generation rights are not new, and need to be acknowledged in United Nations human rights instruments to better address global challenges. By means of this second report, the independent expert intends to bring about further acknowledgement of international solidarity as a right of peoples. The independent expert sees the duty of solidarity as an imperative prerequisite of globalization.

49. The report of the High Commissioner for Human Rights to the 2005 session of the Economic and Social Council (E/2005/65) addressed the human rights dimension of the Millennium Declaration and in particular the links between human rights and the Millennium Development Goals, since human rights and the goals share similar motivations and are complementary in their approaches. The independent expert calls for more resources to be available to developing countries for the purpose of meeting the Millennium Development Goals.

50. It has been argued in this report that the international community must accept international solidarity as the right of peoples. In addition, this report also introduces potential actions, by proposing practical measures as a set of examples. This report also adds new potential issues, such as avian influenza as one of the potential pandemic diseases. The independent expert has also been willing to highlight issues that have received less international attention, such as agricultural pests, with the intention of supporting efforts on poverty eradication and fighting hunger.

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