



Strengthening United Nations Action in the Field of Human Rights through the Promotion of International Cooperation

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Introduction

The Charter of the United Nations (UN) affords particular importance to international cooperation in solving international challenges of economic, social, cultural or humanitarian character, while also serving the objective of promoting and encouraging respect for human rights. Similarly, the 2030 Agenda for Sustainable Development emphasizes the need to strengthen international cooperation for achieving the Sustainable Development Goals (SDGs) and to foster exchanges of best practices and mutual learning.

International cooperation has become urgent as the world faces an unprecedented global crisis instated by the COVID-19 pandemic. Despite the many measures adopted by States to contain and fight against the spread of the disease, the pandemic has escalated to a human crisis affecting all social groups. However, its effects have not been felt equally among all the sections of society; in fact, it has exacerbated the profound economic and social inequalities affecting the most vulnerable.

The United Nations Secretary-General has highlighted that “the people most severely impacted by the crisis are those who already face enormous challenges in a daily struggle to survive”¹, while also recognizing that “[t]he 2030 Agenda, underpinned by human rights, provides a comprehensive blueprint for sustainable recovery from the pandemic.”²

Indeed, the challenges raised by the COVID-19 pandemic require the creation of favorable conditions for building back better and fairer. Such an objective could only be attainable through the strategic role that the promotion and protection of human rights can play for the improvement of the well-being of all peoples, as well as through international cooperation based on inclusiveness, justice, equality, equity, human dignity, respect for cultural diversity and transparency.

¹ United Nations, “COVID-19 and Human Rights. We are all in this together” (April 2020), p. 7. At https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf

² Ibid., p. 8.

1. Streamlining human rights and international cooperation for the COVID-19 response

The COVID-19 crisis has required the implementation of exceptional measures by States. At the same time, developing countries have been confronted with the challenge of linking such efforts to the achievement of the Sustainable Development Goals. To attain such goals, international cooperation and assistance should be reinforced and guarantee that all countries are equally effective in their responses, not only to address the effects of COVID-19, but also in deploying long-term policies needed for realizing human rights and climate action.³

The COVID-19 pandemic has highlighted the current global inequalities which, as noted, have only been exacerbated by the health and economic crisis. It has also evidenced that the world is not sufficiently resilient to external shocks and that the social system is unprepared to protect the most vulnerable.

The duty to cooperate internationally as established in Articles 55 and 56 of the United Nations Charter, and in Article 2 of the International Covenant of Economic, Social and Cultural Rights, may manifest itself in multiple areas and under a large variety of modalities. Today the priority is ensuring effective international solidarity and cooperation in addressing the pandemic (including an equitable access to vaccines), based on fundamental principles of human rights. Despite solemn declarations by the UN Assembly⁴ and statements of head of States,⁵ international solidarity conceived as a global endeavor has been absent and nationalistic approaches (such as the so-called ‘vaccine nationalism’) have prevailed⁶.

The failure to make COVID-19 vaccines equitably accessible as a global public good is just a manifestation of the predominance of self-interests in lieu of a true global vision. COVID-19 gave rise to one of the greatest opportunities for the international community to engage in and show the key role that collective action could play in providing a global response to a global emergency. Well-inspired international initiatives such as COVID-19 Vaccines Global Access (COVAX) and the COVID-19 Technology Access Pool (C-TAP) have not been able to achieve their intended objectives in the absence of a genuine cooperative effort by all relevant stakeholders. While the international community failed so far to do so, there is still time to change the

³ Ibid., p. 18.

⁴ Nirmalya Syam, “The UN General Assembly Resolutions on COVID-19: Solemn Assurances for Access to Health Technologies without an Action Plan”, South Centre Policy Brief No. 81 (July 2020). Available at <https://www.southcentre.int/policy-brief-81-july-2020/> (accessed 21.02.2021).

⁵ Nirmalya Syam, Mirza Alas and Vitor Ido, “The 73rd World Health Assembly and Resolution on COVID-19: Quest of Global Solidarity for Equitable Access to Health Products”, South Centre Policy Brief No. 78 (May 2020). Available from <https://www.southcentre.int/policy-brief-78-may-2020/> (accessed 21.02.2021).

⁶ Muhammad Zaheer Abbas, *Practical Implications of ‘Vaccine Nationalism’: A Short-Sighted and Risky Approach in Response to COVID-19*, South Centre Research Paper No. 124 (November 2020). Available at <https://www.southcentre.int/research-paper-124-november-2020/> (accessed 22.02.2021).

course and admit that international solidarity and cooperation are indispensable at this historic juncture, and that they cannot just be proclaimed; they must be practiced.⁷

2. Economic recovery and bridging the economic gap

As noted, the COVID-19 pandemic has clearly underlined the growing inequalities in human development, as it hits the most vulnerable people. Measures intended towards increasing social protection and inclusion and international cooperation are a critical pillar for responding to the current as well as future crises.

According to a United Nations Development Programme (UNDP) report, “the poorest quintile of the population in low-income countries (LICs) and lower-middle income countries (LMICs) have a 32% higher probability of dying from COVID-19 compared to the richest quintile partly because of lack of access to available treatment, but also lack of protective measures and higher exposure to the virus.”⁸ Vulnerable groups are not only at a higher risk of contracting the virus, but economic and social costs of “flattening the curve” have also affected disproportionately people living below the poverty line, where suppression strategies, such as social distancing and stay-at-home measures, become difficult or almost impossible to comply with.

The global response to the health crisis, and to the economic downturn resulting from it, requires responses that must be rooted in human rights law.⁹ International cooperation in this case should not only consider traditional means of cooperation, but also rethink common international strategies. A major challenge in policy design and implementation is to ensure that measures adopted at the national level and through international cooperation are consistent with and support comprehensive human rights and development policies, and not only short-term palliative strategies for facing the COVID-19 pandemic. This must include lifting unilateral coercive measures (a blunt denial in itself of international cooperation) that have not only severely affected the capacity of targeted countries to respond to the pandemic¹⁰ but also to put in place such policies.

Among the multiple aspects that need to be considered, increased investment for addressing the crisis and development gaps is crucial. Broader international and domestic coordination is needed towards “the articulation of public health and economic policies in different jurisdictions in order to avoid a race to the bottom where lower

⁷ H.E. Thabo Mbeki (Chairperson of the Board of the South Centre), Statement during the Twenty-first Meeting of the Council of Representatives of the Member-States of the South Centre, Geneva, 11 February 2021. Available at <https://www.southcentre.int/statement-february-2021/> (accessed 21.02.2021).

⁸ Lars Jensen and George Gray Molina, “COVID-19 and health system vulnerabilities in the poorest developing countries”, United Nations Development Programme, Transitions Series (July 2020), p. 3.

⁹ Juan Pablo Bohoslavsky, “COVID-19 Economy vs. Human Rights: A Misleading Dichotomy”, SouthViews No. 199, 12 June 2020. Available at <https://www.southcentre.int/southviews-no-199-12-june-2020/>. (19.02.2021)

¹⁰ See “Unilateral sanctions make it harder to fight COVID-19, must be dropped, says UN expert”, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26393&LangID=E>.

health standards are offered to attract more investments”¹¹. There is also a need to reform investment agreements in a way that ensures adequate space for public policies needed to respond to the crisis as well as for the achievement of the SDGs, in a way that prevents the use of the failed and antiquated investor-State dispute settlement system (ISDS) to file multimillion claims that deviate the use of public resources from those objectives.

3. Some areas that require enhanced international cooperation to promote human rights

Multilateralism and international cooperation should become the cornerstone of current strategies towards keeping people’s wellbeing and the full enjoyment of human rights. A number of the many areas in which enhanced international cooperation is urgently needed are mentioned below.¹²

The current health and economic crisis have showcased how almost half of the world population lacks access to digital technologies. While in developed countries the majority of the population enjoys access to the Internet (86.6%), that percentage is significantly lower in developing (47%) and the least developed countries (19.1%).¹³ The lack of adequate access to the internet re-potentializes the risk of increase in poverty and social exclusion at the expense of human rights. Therefore, a discussion on digital rights should be incorporated into the UN agenda¹⁴ including on their implications with regards to the realization not only of civil and political rights but also of social, economic and cultural rights.¹⁵ There is also a need to increase international cooperation towards expanding the benefits of and access to digital technologies to overcome the technological divide.

The adoption of policies and increased international cooperation towards the realization of human rights of peasants and other people in rural areas should also gain broader attention, as there is a need to secure sustainable food and agricultural production throughout the world. The contribution of peasants and other people in rural areas is crucial “in ensuring the right to adequate food and food security.”¹⁶ International cooperation should play a fundamental role in supporting the implementation of the

¹¹ Bohoslavsky, “COVID-19 Economy vs. Human Rights: A Misleading Dichotomy”.

¹² Of course the list is much longer, including reform of the international tax system, illicit financial flows, debt relief, access to medicines and vaccines, upgrading of technological and manufacturing capacity, protection of biodiversity. For the issues covered by the South Centre’s work program 2020-2022, see: <https://www.southcentre.int/work-program/>.

¹³ International Telecommunication Union, *Measuring digital development. Facts and figures – 2019* (Geneva).

¹⁴ See Mohandas Pai and Nisha Holla, “Case for a Universal Declaration of Digital Rights”, *Financial Express*, 30 January 2020, available at <https://www.gatewayhouse.in/digital-rights/>.

¹⁵ Committee on Economic, Social and Cultural Rights General Comment No. 25 on Science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4)), (2020)

¹⁶ Maria Natalia Pacheco Rodriguez and Luis Fernando Rosales Lozada, *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One Step Forward in the Promotion of Human Rights for the Most Vulnerable*, South Centre Research Paper No. 123 (November 2020), p. 42. Available at <https://www.southcentre.int/research-paper-123-november-2020/>. (18.02.2021)

Declaration of the Rights of Peasants and other people in rural areas adopted by the UN General Assembly in 2018. There is a need to establish human rights mechanisms to assist countries in the implementation of this Declaration. The effective implementation of the rights of peasants and other people working in rural areas could serve as an important example on how international cooperation and dialogue can achieve the improvement of human conditions under a broader understanding of the promotion, protection, and fulfillment of all human rights.

The discussion on the need to guarantee universal access to the COVID-19 vaccine has highlighted the role that international cooperation may play with respect to increasing the manufacturing capacity for pharmaceuticals, particularly in the most affected countries. Such cooperation has been limited and fragmented till now. Hence, a stronger international partnership should be put in place for the provision of financial and technological resources for developing countries, including through the transfer of technology and know-how, and the investment of public funds to produce vaccines.¹⁷

The international community has widely recognized that mitigation and adaptation to address the effects of climate change require an “enhanced action in an effective and appropriate international response in accordance with their common but differentiated responsibilities and respective capabilities.”¹⁸ International cooperation based on fundamental human rights principles must serve as an important means to achieve the final objective of reducing global greenhouse emissions while respecting the fundamental rights of the people as well as addressing adverse impacts of climate change. For enhancing international cooperation on this basis, States should clearly abide by the principles of transparency and inclusiveness, engage in collaboration at all levels of public decision-making, and pay particular attention to the participation of grassroots and vulnerable groups. South-South cooperation among developing countries can play a key role in this regard, through the exchange of relevant experiences, good practices and the provision of innovative solutions for tackling the unique challenges faced by developing and least developed countries.

Likewise, given the significant role that the private sector plays in the world economy and in the exploitation of natural resources, it is important to continue the negotiations for the adoption of a legally binding instrument on business and human rights,¹⁹ while promoting the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs).²⁰ International cooperation should play a fundamental part in encouraging training and capacity building towards ensuring that private actors promote the adoption of a new corporate culture based on the respect of human rights

¹⁷ Germán Velásquez, *Re-thinking Global and Local Manufacturing of Medical Products After COVID-19*, South Centre Research Paper No. 118 (September 2020). Available from <https://www.southcentre.int/research-paper-118-september-2020/> (accessed 11 January 2021).

¹⁸ Conference of the Parties, Report of the Conference of the Parties on its Twentieth Session, UN Doc. FCCC/CP/2014/10/Add.1 (2015), p. 6.

¹⁹ Daniel Uribe and Danish, “Designing an International Legally Binding Instrument on Business and Human Rights”, (South Centre, 2020). Available at <https://www.southcentre.int/sc-publication-july-2020/> (accessed 22.02.2021).

²⁰ United Nations Guiding Principles on Business and Human Rights (UN HRC, UN Doc A/HRC/17/31).



and avoiding “infringing on human rights of others”²¹ while guaranteeing and promoting adequate measures for the prevention, mitigation and remediation of human rights abuses.²²

The effective recognition of the right to development (RtD) could provide an important basis for the development of public policies and international cooperation towards the full enjoyment of human rights and, *inter alia*, the reduction of poverty and inequalities. While consolidating it as a right by itself, notably through the negotiation and adoption of a legally binding instrument, the RtD may also play an important role in supporting the implementation of the 2030 Agenda.

Conclusions

The COVID-19 crisis has frustrated the progress made in many countries in achieving the SDGs, notably regarding poverty reduction. Strengthening the UN action in the field of human rights through the promotion of international cooperation requires a holistic understanding of the developmental needs and priorities of developing and least developed countries.

Working towards protecting public welfare and well-being must be regarded not only as an “extraordinary measure” in the context of the COVID-19 crisis, but rather as a comprehensive and coordinated long-term public policy.

The crisis should serve as an opportunity for States to put in place effective international cooperation towards the achievement of the SDGs based on the recognition that the promotion of human rights must be the ultimate objective of such cooperation.

²¹ Ibid., Principle 11.

²² Ibid., Principle 11 (commentary).