



## TOPIC TWO | GOVERNMENTS' OBLIGATION TO COOPERATE INTERNATIONALLY TO REALIZE HUMAN RIGHTS

### Main Takeaways

- Under international human rights law, governments are obligated to cooperate internationally to realize human rights.
- This means governments must not cause harm beyond their borders, or prevent other governments from meeting their human rights obligations. Wealthier states in particular have a duty to assist lower-income countries in fully realizing socioeconomic rights for all.
- In line with this obligation, the pandemic response must be globally coordinated and it must be funded on the basis of solidarity and ability to contribute. Actions taken should, first and foremost, support all countries to provide universal health and social protection, without resulting in another wave of debt and austerity.

### How is the obligation to cooperate internationally relevant to COVID-19?

The economic impacts of the COVID-19 pandemic are spreading across the globe as quickly as the virus itself. The idea that the virus is a “great equalizer” between rich and poor people has rapidly proven false. The same is true between countries. The economic fallout for Global South countries is proving especially dire.

The pandemic is global. So it's in every country's interest that efforts to protect people—from the virus and from the economic impacts of action taken to contain it—are too. But so far there has been an alarming lack of solidarity internationally. Instead, countries (especially rich ones) are falling back on short-sighted policies that try to protect their own interests, whatever the cost to others.

Desperately-needed medical supplies, such as protective personal equipment (PPE), testing reagents, and ventilators, have been auctioned off to the highest bidder, rather than going to where they are most needed. Further, some rich countries are banning exports of these essential goods. Such actions could have devastating impact on people's lives in countries reliant on those imports.

The pandemic has been accompanied by a cascade of economic shocks. These include collapsing global trade and plummeting prices for oil and other commodities; currency devaluation; rapid outflows of capital; and increased borrowing costs, against a background of high levels of debt. These shocks will continue to hit Global South countries the hardest.

The political will to work through multilateral institutions was already at a historic low. Waning financial support for the United Nations is one example of this. Neoliberal austerity policies promoted (or imposed) by international financial institutions over the last 40 years have severely limited public spending in many countries. This has stripped down their health systems and left them ill-prepared to take on a pandemic.

### What does this obligation involve?

The Universal Declaration of Human Rights guarantees everyone a *social and international order* favorable to realizing their rights. Additionally, most governments have signed up to binding human rights treaties. These commit them to guaranteeing the rights of people in their own country as well as people abroad affected by their conduct. Government obligations that cross borders are known as *extraterritorial obligations*, often abbreviated to ETOs.

Human rights instruments set out three types of extraterritorial obligations:

- To *respect* rights: i.e., not to interfere with people's rights or with another government's ability to meet its obligations;
- To *protect* rights: i.e., to prevent corporations and other non-state actors from interfering with people's rights abroad, by regulating their behavior or influencing it in other ways; and
- To *fulfill* rights: i.e., to cooperate internationally, including through economic and technical assistance, in order to support all governments in meeting their human rights obligations.



These obligations are triggered in a variety of situations. One example is when a government has *decisive influence* on people's rights overseas. This includes when governments act as members of international organizations (such as the International Monetary Fund or World Trade Organization) that can effectively force governments to adopt budget, debt or trade policies which harm human rights. Governments must take positions that push the organization to act consistently with their human rights obligations.

ETOs guide how governments should act in the global economy. All countries have ETOs. But in reality, richer countries have greater influence over global policy trends and financial flows that often determine if other countries are in a strong position to meet their human rights obligations.

One of the most common ways rich countries fall foul of their ETOs is by constraining the fiscal space of poorer countries. In other words, they limit the flexibility countries have to decide how they'll raise and spend money because certain options risk jeopardizing their position in the global economy. Loan conditions or trade agreements often do this, for example by imposing austerity measures or rolling back corporate regulation. This leaves poorer countries with fewer resources to finance essential goods and services or to pursue greater economic and gender equality.

Other examples of actions that disregard ETOs include: offering corporate tax cuts that create a global "race to the bottom"; providing excessive bank secrecy so that transnational corporations can avoid paying taxes; refusing to restructure or forgive debts that undermine other countries' ability to guarantee their peoples' human rights; or failing to provide agreed minimum levels of foreign aid or support to international institutions.

### What actions should governments take to meet this obligation?

The United Nations Secretary General has called for a massive "human-centered, innovative, and coordinated stimulus package." Such a package would boost health and social protection infrastructure in the Global South and ensure vaccines and treatments are available to all. It would also help the world avoid such a devastating human catastrophe again. A range of proposals have been put forward that would represent an important step forward in honoring the obligation to cooperate internationally, including:

- **Wide-ranging debt relief:** The G20 has agreed to a 12-month moratorium on debt that the poorest countries owe the richest. This should be expanded to debt forgiveness or cancellation, including for debt owed to private lenders and international financial institutions. An independent sovereign debt restructuring mechanism also needs to be created.
- **Increased financial support:** A massive issuance of Special Drawing Rights by the IMF would effectively create new money to provide low-cost liquidity. It will also be crucial that austerity-related conditions do not creep back into grant and loan packages once the immediate emergency period has passed.
- **Preventing hemorrhaging of resources:** This can be done by allowing capital controls (measures such as taxes/tariffs to limit foreign capital fleeing poorer countries); by urgently tackling tax abuses and other illicit financial flows; and by agreeing (at least temporarily) to stop corporations from suing governments under investment treaties when they take action to protect public health and human rights.
- **Eliminating restrictions on the use of health technologies:** this includes refraining from export bans; pooling patents so that medicines, vaccines, and related equipment can be rapidly developed; and eliminating or suspending intellectual property rules that prevent generic versions of these from being developed, manufactured, and used.

#### Critical Questions

- ▶ What international cooperation measures is your government pushing for or resisting, including within international organizations like the UN and IMF? What positions are they taking on the proposals outlined above?
- ▶ Does your government facilitate tax evasion or avoidance? (Tip: see the Financial Secrecy Index.)
- ▶ What percentage of national income goes to official development assistance? Has your government donated to the UN COVID Emergency Relief Fund or the IMF's Catastrophe Containment & Relief Trust? Is it up to date with its dues to the WHO?
- ▶ Has your government enacted protectionist measures such as export bans on medical supplies?
- ▶ Has it undertaken an assessment of the overseas human rights impacts of its policies in areas such as tax, trade, debt and investment?