THE RIGHT TO SOLIDARITY: A CONCEPTUAL ANALYSIS

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Abstract

The category of solidarity rights occupies a contested position within contemporary human rights doctrine. Unlike classical individual rights, these rights frequently depend upon collective action, international cooperation, and conditions that transcend the individual State. This paper examines three rights commonly associated with this category: the right to peace and international security, the right to development, and the right to a clean and healthy environment. The analysis traces their normative foundations in major international instruments and considers the extent to which these rights have developed from political aspirations into legally relevant human rights standards. Particular attention is given to the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Right of Peoples to Peace, the Declaration on the Right to Development, and principal international environmental instruments. The paper argues that solidarity rights reflect an increasingly collective dimension of human rights protection, in which the effective enjoyment of rights depends not only on State obligations toward individuals but also on cooperation among States and responsibility toward future generations. At the same time, their legal status, justiciability, and classification remain subject to doctrinal debate. The contemporary international context demonstrates both the growing normative importance of these rights and the continuing gap between their proclamation and effective implementation.

Keywords: solidarity rights; right to peace; right to development; right to a clean and healthy environment; international human rights law

1. Introduction

The human rights examined in this paper have been the subject of considerable controversy with regard to their recognition and inclusion within the catalogue of human rights. These rights are, in essence, collective rights, since their enjoyment can be achieved only through interaction with other members of the community. In the literature, these rights are commonly referred to as solidarity rights, although their conceptual framework remains insufficiently developed and their classification continues to be the subject of debate. This paper examines the right to peace and international security, the right to development, and the right to a clean and healthy environment.

2. The Right to Peace and International Security

The right to peace and international security constitutes an important foundation of public international law, particularly through the principle prohibiting war and the use of forceful means in the settlement of international disputes. The horrors of the two World Wars compelled the international community to take concrete measures to protect human rights and secure international peace. With this objective, the United Nations was established and the Charter of the United Nations was adopted, having been signed on 26 June 1945 in San Francisco.

At the outset of the Charter of the United Nations, its Preamble emphasizes fundamental objectives concerning peace and security, including the determination “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, 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, and to promote social progress and better standards of life in larger freedom”.

Peace, as a political concept, is reflected in virtually all international instruments and in the declared policies of States. The concept of peace as a right belonging to all peoples remains highly contentious, particularly because it must be reconciled with the right to use force in self-defence, as recognized under international law.

The first international instrument to recognize the right to peace, albeit indirectly, was the Universal Declaration of Human Rights. Article 28 provides that: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

The right to peace was subsequently developed and formulated in the Declaration on the Right of Peoples to Peace of 1984. According to the Declaration, the right to peace derives from the purposes of the establishment of the United Nations, the principles of international law set forth in the Charter of the United Nations, and the will of all peoples to eliminate war from the life of humanity and to avert a worldwide nuclear catastrophe. The Declaration further emphasizes that the establishment of lasting peace throughout the world constitutes a fundamental condition for the preservation of human civilization and human survival in the nuclear age.

The Declaration recognizes the fundamental right to peace of all peoples of the world. Guaranteeing this right constitutes a fundamental obligation of every State and, inter alia, requires States to take measures to eliminate the threat of war, particularly nuclear war, to refrain from the use of force in international relations, and to settle international disputes by peaceful means.

Reference should also be made to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. This Declaration emphasizes the obligation of States to ensure that scientific and technological progress is used to strengthen peace and security throughout the world, and requires States to take all necessary measures to ensure that such progress is not restricted.

Nevertheless, in light of the harsh reality following the Russian aggression against Ukraine in February 2022, this right appears, to a considerable extent, to be more of an aspiration than an effectively realizable right, despite its proclamation in international human rights instruments.

3. The Right to Development

The development of this right is grounded in the Charter of the United Nations, which provides that, in order to promote peaceful and friendly relations among nations, States should promote, inter alia, economic, social and cultural progress and development.

Another important instrument concerning the right to development is the United Nations Declaration on the Right to Development (1986), which emphasizes that the human person is the central subject of development and should be an active participant in and beneficiary of the right to development. The Declaration envisages responsibility for development at both the individual and collective levels, with due regard to respect for fundamental rights and freedoms and obligations towards the community. States have the right and duty to formulate appropriate national development policies aimed at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Another important instrument is the Declaration on Social Progress and Development, adopted within the framework of the United Nations in 1969. The Declaration states that: "All peoples and all human beings, without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other opinion, are entitled to live in dignity and freedom and to enjoy the fruits of social progress and should contribute thereto".

The right to development entails not only equality of opportunity among individuals but also equality among States with regard to access to and use of essential resources, education, health

services, food, housing, employment, and the equitable distribution of resources and income among the countries of the world. In essence, the right to development requires, above all, sustainable development in continuing harmony with nature and its laws. Sustainable development means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. In this respect, the right to development is closely linked to the right to a clean and healthy environment, since unsustainable development would undermine ecological balances on Earth.
This right, within the category of solidarity rights, is particularly contested because the individual may be regarded as a holder of this right only indirectly. At the same time, the international economic situation remains alarming. The disparities between poorer and wealthier countries continue to deepen, particularly following the COVID-19 pandemic.

4. The Right to a Clean and Healthy Environment

The right to a clean and healthy environment constitutes an issue of fundamental importance for human life. Unlike ancient times, when groups of people lived in relatively separate communities and an event generally affected only a particular group, culture, or geographically limited area, today any imprudent action affecting the environment is not confined to its immediate surroundings, a limited group, or the present generation, but has consequences extending much farther and threatening future generations as well.
Given the need for international cooperation to preserve the environment, concrete measures have been adopted because “the environment is considered res omnium, the common heritage of humankind”; accordingly, air, water, the seas, and other environmental resources should be protected in all parts of the world and for all generations. The preservation and advancement of the environment is also a matter of universal concern, since no country possesses an entirely independent ecological system. Harmful substances and their effects do not remain confined to a geographically limited area in the immediate vicinity, but spread and operate across much wider areas, crossing geopolitical boundaries.
Against this background, the Final Act of the Conference on Security and Co-operation in Europe, particularly in the part concerning the human environment, protection and improvement of the environment, as well as the protection of nature and the rational use of natural resources, recognizes these matters as being in the interest of present and future generations. It further emphasizes that all sectors of the population and all social forces should contribute to the success of policies concerning the human environment.
The right to a healthy environment is addressed in Article 12(2) of the International Covenant on Economic, Social and Cultural Rights, within the framework of the right to health. Paragraph (b) provides that: “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: ... (b) The improvement of all aspects of environmental and industrial hygiene”.
With regard to the environment and its international protection, particular importance should be attached to the Stockholm Conference. The Conference was held from 5 to 16 June 1972 and brought together more than 1,200 delegates from 113 countries, as well as representatives of specialized agencies, United Nations bodies, and numerous international governmental and non-governmental organizations. At the conclusion of its work, the Conference adopted the Declaration of the United Nations Conference on the Human Environment, an Action Plan containing 109 recommendations, and a resolution concerning institutional arrangements relating to the environment.
The two subsequent conferences that significantly influenced the development of this right were held in Rio de Janeiro, Brazil. The first United Nations Conference on Environment and Development was held in June 1992 and is also known as the Earth Summit, while the second

was held twenty years later, in June 2012, and was known as Rio+20, or the United Nations Conference on Sustainable Development. The 1992 Conference adopted the Rio Declaration on Environment and Development, Agenda 21, and the non-legally binding Forest Principles, among other outcomes.

The right to a clean and healthy environment is now reflected in numerous treaties that not only recognize environmental protection but also establish measures for the implementation of related obligations. Among the most important instruments are the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (1940); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973); the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972); the Vienna Convention for the Protection of the Ozone Layer (1985); the Montreal Protocol on Substances that Deplete the Ozone Layer (1987); the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989); the United Nations Framework Convention on Climate Change (1992); the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997); and the Convention on Biological Diversity (1992), among others.

Today, the protection and advancement of the environment constitute an indispensable concern of humankind as a whole, since the degradation of natural equilibrium is, in many cases, irreversible and may contribute to numerous natural disasters and environmental crises to which humanity remains vulnerable.

5. Conclusions

The analysis demonstrates that solidarity rights represent an important, although still contested, dimension of the international human rights framework. The right to peace and international security, the right to development, and the right to a clean and healthy environment share a fundamental characteristic: their effective enjoyment cannot be secured exclusively through the protection of an isolated individual, but requires collective action, international cooperation, and institutional responsibility. Their normative foundations are reflected in the Charter of the United Nations and in a substantial body of international declarations, treaties, and other instruments. Nevertheless, the existence of international recognition does not automatically resolve questions concerning the precise legal nature, scope, beneficiaries, duty-bearers, and enforceability of these rights. The continuing gap between normative proclamation and practical implementation is particularly evident in the fields of peace and security, global development inequalities, and environmental protection. These challenges confirm that solidarity rights should not be understood merely as political aspirations; rather, they constitute an evolving field of international human rights law whose effectiveness depends on cooperation among States, participation of individuals and communities, equitable distribution of resources, and responsibility toward future generations. Their further development therefore requires greater normative clarification and stronger implementation mechanisms within international and domestic legal orders.

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