

International Cooperation Development and Universal Human Rights: New Challenges

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The International Cooperation Development (ICD) has been an instrument used by Developed Countries to channel a kind of relationship with Developing Countries, focusing mainly on the interests of the first, specially, when referring to the so-called “ICD of second generation”, by addressing specially to the new countries formed after the decolonization process. From the emergence of countries formed after the decolonization process to the half of 1970s of the twentieth century, the precepts and solutions set out to overcome the underdevelopment turn, essentially, around the capital, technology and experience transfer from developed countries to developing countries.

But, in the mid-1970s, faced with an increasingly accentuated situation of impoverishment and threatening social inequality of social cohesion in underdeveloped countries, the paradigm of economic growth and the mere accumulation of wealth were called into question. The progress of developing countries on the incidence of their economies of ICD underlines the fact that the mere growth does not support the development of a country, despite being necessary to achieve development. The reality of the 1960s, marked by an increasing poverty in Developing Countries and with a growth of inequalities, forced the international community (donors and recipients) to recognise the mistakes in the approach and the implementation of ICD and to change plans.

The trickle-down theory, which consists of accepting the idea that economic growth would imply the decrease of the “pockets of poverty” through an “effect of permeation”, after an operation of massive capital transfers and experience for the benefit of poor countries, left its place to a different approach, designed to the satisfaction of basic needs. After this moment, a “paternalistic vision” is emerging from the international assistance, focusing its efforts towards the coverage of the most pressing needs, for example, food and shelter. In light of these data and despite the lack of economic growth, the neoliberal vision is still continuing, but with a different approach.

In the opinion of neoliberals, the economic freedom, that is, the freedom of the ownership of means of production is, purely and simply, equivalent to the political freedom. The neoliberal ideas, imposed from the middle of the 1970s of last century, involve not only the economic sphere but also the widest political, social and cultural sphere, so it is established as a comprehensive vision of society. In liberalism, there is an interpenetration of almost every spheres of social activities and a strong ambition to become the only valid approach in the present-day society.

At the beginning of the 1980s, this approach bore fruit at a global level with the outbreak of the external debt crisis, having an effect on the least developed countries. However, such crisis did not change the neoliberal perspective started one decade earlier. The external debt crisis supposed a greater involvement of Bretton Woods Institutions and IMF, specifically. And, curiously, at that moment, coinciding with the arrival of Ronald Reagan to power in USA and his extreme neoliberal doctrines, such institutions also converted to neoliberalism

almost immediately, which took form in a simple, universal programme known as Structural Adjustment Programme (SAP).

Such programme was initially implemented, as a conditionality of IMF, to third-world countries in Africa and Latin America. The resulting external debt crisis of policies for economic growth started in the early 1970s, from the instructions provided by developed countries experts, have a very peculiar diagnosis from the neoliberal perspective. Applying theoretical tools of neoliberalism, the debt crisis will have three main reasons: on the one hand, the crisis is considered as the result of the implementation of wrong economic policies in underdeveloped countries. On the other hand, it is considered that underdeveloped countries have had exaggerated fears of opening themselves up to the world market and the presence of capital international. And, finally, neoliberal policies are set as a paradigm at global level, that is, that has general validity for all countries, developed and underdeveloped, and that the economic agents are guided, purely and simply, by incentives.

On the international stage, the duty to cooperate is established in the Chapter IX of the Charter of the United Nations, made in San Francisco, the 26th June 1945, entitled “*International Economic and Social Co-operation*”. In addition, the international cooperation is reflected in the Charter of the United Nations as one of the aims of this Organization. Reference to the purpose of achieving the cooperation in different fields (economic, social, cultural, humanitarian, etc.) is made. In particular, the art. 1, 3^o of this Charter states that one of the aforementioned aims is “*to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character (...)*”.

The international cooperation is also reflected in several United Nations resolutions, either as a means to achieve some purposes, or as a desirable objective in itself. Between them, in the Declaration of Principles on International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which reflects the Resolution 2625 (XXV), approved by the General Assembly of the United Nations on 24th October 1970, is enunciated as a duty or obligation (“*the duty of States to cooperate with one another in accordance with the Charter*”) [letter d)].

The international cooperation, as well as other notions of international law, has the sense of synthesis and integration. On the

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one hand, it is remarkable its instrumental value in attitude oriented to the achievement of shared purposes; and, on the other hand, its value as a goal to be achieved, as a situation or state of understanding between States, resulting from cooperative efforts and new projects generator of "common undertaking" [1]. Secondly, the international cooperation respects the sovereignty of States, and that is why, rather than a defined and precise legal concept, it is presented as a pragmatic conduct pattern [2]. Finally, the idea of cooperation is extended vertically, reaching areas that previously were part of the coexistence, that is, the delimitation of power of each State.

Nevertheless, it is of interest, specifically, the meaning of *the international cooperation in the specific context of universal human rights system*. And, in the context of current universal human rights system, the international cooperation is not only a (further) instrument in the hands of the States for the realization of the economic, social and cultural rights, but it constitutes a clear mandate, that is, a duty, by virtue of the commitment undertaken after the adoption of the conventions on human rights and, specifically, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, but not only.

It must also be cited the European Social Charter as well as the European Convention on Human Rights, within a more limited regional geographical sphere. Most recently, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, made in New York on 10th December 2008, also comprises the international cooperation in the Preamble in order to achieve the full realization of rights which have been recognized by the aforementioned Covenant. It is an accepted and assumed commitment by each State at the time of signature and ratification of such conventions, as a (additional)

guarantee of satisfaction of basic human needs, understood not in a technical-legal sense, but in a sense of international politics.

And it must be guided toward the achievement of specific purposes (material or substantive), so that the States have the obligation to utilize such cooperation in favor of the greatest satisfaction of economic, social and cultural rights, which are those that require to a large extent an active role by the States. And thus, regardless of the existing international guarantees (both primary and jurisdictional) as well as the more recent ones. In this sense a new step must be seen in the above-mentioned, recent Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which creates faculty to the Committee on Economic, Social and Cultural Rights to receive and consider communications submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party (art. 2).

Therefore, to talk about the satisfaction of such rights is equivalent to provide them with realization, not only in terms of technical-legal guarantees (constitutional, international, jurisdictional, etc.), but, specifically, with real effectiveness. That is to say, to take action "de facto" to alleviate the basic human needs, which are still dissatisfied in many countries and places in the world. Thus, this is the purpose or sense that the international cooperation has in the universal human rights system from its own origin and, specially, at present.

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