Section VI

The Role of the International Community, Including International Organizations

In 1999, the then-Secretary-General of the United Nations, Kofi A. Annan, gave a speech on “The meaning of International Community”. He touched on the fundamentals of this concept when querying: “What binds us into an international community? In the broadest sense there is a shared vision of a better world for all people, as set out, for example in the founding Charter of the United Nations. [...] There is the framework of international law, treaties and human rights conventions.”

The pivotal function of the international community and the international organizations, embodying a shared responsibility, consciousness and onus, is the normative subject matter of Section IV in securing the application of the Pinheiro Principles.

The stipulation of the promotion and protection requirement of the international community intends to prevent breaches of statutory duties in international legal human rights relations. Following the generally accepted legal and public opinion, human rights are not anymore considered as belonging to a domaine réservé of a particular State, rather they have become a matter of a globalized public domain.

The addressee of this provision is the international community that does not only (though primarily) consist of States. The classic and narrow, yet obsolete definition of international community focuses on the sovereign State as reference point in the international relations: all States being equal and independent from other State entities. Likewise, the role of government aid agencies as constituting element of the international community should be credited, as in practice these have proven to be very mandate-obligated, and while attributable to particular States, remain distinct actors.

The contemporary and prevailing view would include within the scope of the international community other entities and actors that enjoy legal personality at the international level. This would include international organizations

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or entities that are legally recognized at the national level and have certain leverage on international affairs, such as non-international organizations and transnational corporations.

An even broader understanding of the international community is necessary today, as actors in international fora are no longer confined to State actors, but embrace a wide range of non-State actors. According to such broader definition, the international community would include non-State entities, as well as the media and even individuals, as long as they act within the international sphere. The accordance of international legal personality to individuals and the end of the absolute reign of the principle of mediatisation of the individual in international law opens up the circle of the international actors beyond States, and it is their contribution to the international relations that becomes the determining factor. Due to their factual influence and through new instruments in a globalized world, these other international and internationalized actors alter the composition of the international community and enlarge the range of its “members” by drawing from a more diversified scope of activities and considerable level of leverage in the international sphere.

The thrust of NGOs at the international level also derives from their key role as implementing partners of Intergovernmental Organizations, which rely to a large extent on non-governmental actors and their direct contact to community-based organizations in translating the programmatic decisions on HLP into reality on the ground where HLP rights protection is required.

A more recent manifestation of the delegation of implementing activities is the recourse of international public organizations to business consultancy agencies and firms. This trend is double-edged, because business companies alike other actors on the ground need to cope with the parameters of political sensitivity and the respective context and international public utility, while also ensuring actual non-partisan and impartial dealings against the background of their shareholder-value imperatives and ultimate profit orientation. By contrast, the comparative advantage of international public non-profit actors lies in their repudiation of an economic-driven ratio and tailored workflows and operational procedures.

The contribution of non-state actors to the further development of contemporary international law is immense and indispensable. They are in a position to report directly from the field about their findings, experiences, observations and work on the ground. As non-partisan civil society representatives, there appears to be a prima facie guarantee for unvarnished reports on their side. Far beyond sheer criticism, they moreover contribute to advancing protection