Symposium Introduction: You're Not Alone - Normative Debates on Digital Solidarity in International Law and Policy

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Solidarity is an important principle that spans many areas of international law and policy such as human rights, trade, peace and security, criminal justice and environmental protection. In a landmark resolution, the UN Human Rights Council acknowledged that '[t]he same rights that people have offline must also be protected online'. This establishes a 'normative equivalency' between online and offline rights. Thus, for instance, the right to freedom of expression, safeguarded by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), is equally valid for online expression. This normative equivalency applies to the enjoyment of other human rights, including solidarity rights.

While the normative equivalency approach to digital human rights is commendable, an uncritical transposition and application of offline rights in online mediums can be challenging because the digital environment raises unique questions around feasibility and practicality of such an approach. For solidarity in particular, digital environments present both potentials and challenges for its formation, yet there appear to be little normative debates on digital solidarity and what it means in different contexts.

Therefore, generating discussions about the meaning and implications of solidarity in the digital sphere is particularly important in light of the ongoing dialogue for a UN Global Digital Compact initiated in the UN Secretary-General's 2021 report, 'Our Common Agenda'. At the regional level in Africa, the African Commission on Human and People's Rights, in a 2021 resolution, emphasised that the ideals of solidarity (including African values and ethics like Ubuntu) must be considered in the development of regulatory frameworks on digital technologies and called for a study on the matter. Crucially, the 2023 Revised Draft Declaration on Human Rights and International Solidarity also provides that states have a positive obligation to protect physical and online spaces in accordance with the right to freedom of expression, so that individuals and communities can exchange ideas rooted in solidarity.

Inspired by these developments and building upon discussions started at a RightsCon Panel in 2022, this Symposium seeks to examine the broader challenges, opportunities, and debates on digital solidarity in international law and policy. It aims to contribute towards bridging the gap in the literature on solidarity in the digital sphere.

To kick-off the conversation, Dr Wodajo and Shakil engage with how digital environments can, and have helped to, amplify solidarities on the part of minority and vulnerable groups through tools such as social media network hashtags. Their contribution highlights that such digital actions contribute to collective framing of meaning. Yet, as they critically consider - what solidarities emerge as dominant and which are silenced? In their view, the systematic and structural roots of injustice which often motivate such use of digital platforms and tools in the first place risk disappearing.

The principle(s) of digital solidarity is increasingly vital in cross-border trade, especially as African countries are steadily engaging in digital trade. Kugler and Dr Mishra invoke the concept of the international community from international law, alongside its African philosophical counterpart, Ubuntu, to provide a normative framework that supports digital solidarity. This approach aims to establish comprehensive and inclusive digital trade standards that are centred around African values. Using the African Continental Free Trade Area ('AfCFTA') Protocol on Digital Trade as a case study, the authors argue that African regional and sub-regional digital integration efforts reflect the principles of Ubuntu and community values, thereby advancing the concept of digital solidarity.

The Symposium continues with a two-part series by Dr Sander. He identifies challenges that have emerged at the intersection of AI technologies and climate, such as the carbon footprints of AI technologies, and notes that the risks of climate change which tech initiatives are even meant to mitigate may reproduce structural inequalities. Despite such overlaps, law and policies in these fields tend to remain separate. Dr Sander goes on to explore the potential of human rights law to respond to these specific challenges. In doing so, he draws out the characteristics of what he terms a solidarity-based conception of human rights law and the different registers (argumentative, aesthetic, and affective) through which it may work to contribute, albeit in a limited way, towards addressing the challenges identified at the intersection of AI technologies and climate.

Digital solidarity not only empowers marginalised voices but also benefits digital citizens who actively engage with the Internet and digital technologies. Prof Bosch and Dr Roberts explore how citizenship and solidarity converge in the digital sphere, enabling citizens to exercise their rights and offer mutual support. By drawing on the findings of their recent book and case studies in Africa, they present fresh insights on the potentials of digital solidarity for citizens to challenge authoritarian actions that might otherwise go unchallenged.

The Symposium then turns to consider the extent to which digital solidarity may help address another structural issue, namely that of sovereign debt crises. Mak's post examines the challenges of digital solidarity in addressing

sovereign debt crises by exploring the underpinnings of international law and policy and how they may influence or shape the notion of digital solidarity. Mak argues that digital technologies such as crowd-lending platforms could facilitate direct lending from individuals or organisations to nations in distress. He wraps up his post by postulating that harnessing digital solidarity might pave the way for fairer resolutions to sovereign debt crises. Moskal and Srivastava continue the discussions by exploring how the sharing economy intrinsically embodies the principles of digital solidarity. They examine the ways in which the sharing economy can contribute to digital solidarity in a developing economy; the obstacles that might hinder this, and the risks of unchecked growth potentially skewing these economies.

Moskal and Siravastava conclude their post by underscoring the need for relevant legislation and policies to harness the potential of the sharing economy in developing countries and to further amplify digital solidarity.

Increasingly and disproportionately affecting the Global South, the digital divide has resulted in a vast number of the world's population remaining offline or unable to meaningfully connect. As Evans and A/Prof Hazim discuss, this has implications for the participation of communities in international criminal procedures. The potential of digital tools to improve the gathering, retention and maintenance of evidence in international criminal investigations depend on the extent to which affected communities and locally informed sources are involved in the process. However, as Evans and A/Prof Hazim observe, over-reliance on the English language and a lack of low-resource languages and expertise in these processes prevent engagement and solidarities between international courts and victim-survivors who hold extensive amounts of evidence that ought to be usefully considered in investigations.

The Symposium concludes with a Q&A in which Prof. Obiora Okafor, who recently concluded his six-year mandate as the third UN Independent Expert on Human Rights and International Solidarity, shares his reflections on (digital) solidarity in international law. Prof. Okafor discusses the importance of digital technologies for the promotion of international solidarity, how COVID-19 impacted and influenced solidarity among states, and the dangers of misinformation and disinformation to digital solidarity. He also reflects on how the challenges to digital solidarity, including the lack of equal access to the

Internet and digital technologies, can be appreciated through the theoretical frames of critical and decolonial scholarship. Prof. Okafor ends the Q&A with his thoughts on the contribution of the African Charter on Human and People's Rights to the development of solidarity in international law and how his own understanding of human rights law and his work as a mandate holder on international solidarity have been shaped by it.

Welcome to an exciting month of interesting and insightful conversations on (digital) solidarity in international law. Read, comment, share, and keep the conversation going.

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