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The Principle of International and National Solidarity and its Impact on the Realization of the Right to Development

A Foundational Comparative Study between Iraq and the United Arab Emirates

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ABSTRACT: This study examines the impact of the principle of solidarity (national and international) on the realization of the right to development within the legislative systems of the Republic of Iraq and the United Arab Emirates. It aims to analyze the constitutional and legal concept of solidarity and the extent to which it has moved from being merely a slogan or a guiding value of a moral nature to a tangible legal principle that gives rise to positive obligations incumbent upon the state and individuals, particularly in the realization of economic, social, and cultural rights and in the distribution of burdens and benefits. The study adopts a comparative analytical approach through two principal sections. The first is devoted to analyzing the dimensions of solidarity and development in Iraqi legislation, beginning with their constitutional and jurisprudential frameworks and extending to their judicial applications and the decisions of the Federal Supreme Court concerning the responsibility of public authorities. The second addresses the constitutional and executive scope of solidarity and development in the United Arab Emirates, highlighting frameworks of social empowerment and human development through public-benefit institutions, newly established ministries, the principle of legality, and the hierarchy of legal rules. The study concludes that constitutional solidarity constitutes a pillar of sustainable development and that its success requires the formulation of binding and procedurally specific legal rules that go beyond formal textual recognition toward fair and sustainable mechanisms of protection and distribution.

INTRODUCTION

Solidarity and development constitute a mediating link between the individual and society and have a collective dimension with respect to the sharing of burdens and benefits among individuals. Recognition of economic, social, and cultural rights not only creates positive legal obligations for the state, but also creates civic responsibilities for individuals to contribute, within the limits of their capacities, to the progressive realization of these rights. While the state bears the ultimate responsibility for making progress in this field, taking these rights seriously also has implications for individual rights and responsibilities.

We also emphasize in this study that the principle of solidarity within society forms the foundation of economic, social, and cultural rights as a whole and is essential to achieving sustainable progress in their realization. This is because the progressive realization of these rights requires not only the fulfillment of the legal obligations of states, but also individual and collective contributions to the public good in both Iraqi and Emirati legislation.

The concepts of solidarity and development are also among the fundamental concepts addressed by traditional and modern legal scholarship and, more specifically, form the basis of theories concerning the division of labor. Since then, national sentiment began to merge with the idea of the republic; today, it is said that this originally sought to erase the effects caused by subsequent developments that led to giving priority to their homelands, embodied in the organization of a strong state. Accordingly, national solidarity, as a legal principle limited by these envisaged solutions, can have only limited interpretive value because it remains subject to the sovereign assessment of the legislative authority, whose guiding principle is not always clear. The legislature, however, further weakened the legal scope of this principle by adopting provisions that were intended to implement the Constitution but lacked normative scope, as they merely proclaimed national solidarity without accompanying it with concrete compensatory measures.

We note here the existence of laws that recognize that certain categories of persons fall within the scope of national solidarity without granting litigants the right to demand the application of those laws. Contrary to assumptions that the legislature enacts subordinate legislation intended to implement ordinary legislation, there are in fact legislative provisions that merely formulate a "promise" of national solidarity toward specified beneficiaries without containing any concrete measures. This phenomenon, initiated by a legislature relying on a particular effect of proclaiming the term solidarity, consequently contributes to the proliferation of legislative texts lacking a normative dimension. In fact, for a text to be regarded as a legal rule, it must, where appropriate and by reference to implementing regulations, be sufficiently precise to enable a litigant to formulate a claim on its basis and submit it to a judge. Thus, when a law merely declares "national solidarity" without identifying the authority responsible for implementing it, the conditions for granting its benefits, and its financing, it cannot be regarded as a legal rule.

The foregoing issues will be addressed by dividing the study into two sections, each of which contains two complementary subsections in accordance with Iraqi and Emirati law.

SECTION ONE

The Scope of the Right to Solidarity and Development in Iraqi Law

The constitutional and legislative rules in Iraq are founded on recognition of solidarity and development as values guiding society and the public authorities. The 2005 Constitution, in its preamble and provisions, embodies a positive commitment to consolidating civil peace and achieving social justice, based on the principle of sharing burdens and benefits among all components of the people. These values are not confined to defining the reciprocal duties and responsibilities of individuals and the state in the progressive realization of economic and social rights; they are also reflected in the judgments of the Federal Supreme Court, which has treated the achievement of sustainable development and the protection of citizens' livelihood as a raison d'être of the legislative and executive authorities. Solidarity therefore moves beyond the theoretical dimension to become a normative determinant and legal guide that obliges state institutions to work continuously to improve living conditions and establish the foundations of comprehensive development. To clarify the dimensions of this scope, this section is divided into two subsections:

SUBSECTION ONE

Solidarity as a Constitutional Value and Its Jurisprudential Theories in the Iraqi Legal System

In this subsection, we explain the concept of solidarity as a constitutional value. Constitutions entrench the foundational principles of the political community, and the literature of solidarity is woven into constitutions both implicitly and explicitly. It may be argued that although the concept of solidarity is widespread in constitutions around the world[1], comparative constitutional studies have paid it little attention; rather, calls have been made to recognize and discuss the importance, potential, and risks of recognizing solidarity as a constitutional value or principle. It may also be said that constitutional law plays a role in shaping these boundaries[2]. Moreover, although constitutional solidarity might intuitively be expected to recognize only

1 The repealed Iraqi Constitution of 1970 was perhaps clearer than others in defining the meaning of solidarity. Article (10) provided: "Social solidarity is the primary basis of society. Its content is that every citizen shall fully perform his duty toward society and that society shall guarantee the citizen all his rights and freedoms."

2 Hussein Wahid Abboud Al-Issawi, Political Rights and Freedoms in the Iraqi Constitution of 2005: A Comparative Study, Arab Center for Studies, Publishing and Distribution, Cairo, 2018, p. 79.

solidarity within the state—solidarity among members of the political community—constitutions can, and indeed do, recognize concepts of solidarity that transcend national borders. Constitutionalism can therefore be an important bottom-up source of transnational and global solidarity.

For example, the Constitution of the Republic of Iraq states in its preamble: "We, the people of Iraq, who have resolved, with all our components and groups, to decide freely and by our own choice to unite ourselves, to take lessons for our future from our past, and to enact this permanent Constitution from the system of values and supreme ideals of the heavenly messages and from the latest advances in human knowledge and civilization. Commitment to this Constitution preserves for Iraq its free union as a people, a land, and a sovereignty."

A certain degree of solidarity is necessary for the existence of a modern state broadly accepted within the international community. There is, however, less agreement regarding concrete questions about the nature and content of solidarity. For example, different answers are given to questions concerning the nature of the implicit obligations among members of the political community[3] and who is included within the group in which those obligations exist. There are also differing positions regarding the conditions necessary for solidarity to exist and whether it can be effectively strengthened when it is weak or absent. These three questions may be summarized in terms of "who," "what," and "how." In addition, there is a question of particular importance: whether "bounded solidarity" within the state necessarily conflicts with transnational solidarity[4].

One may also ask about the basis and nature of solidarity within political communities, including Iraq. One issue debated among scholars concerns the extent to which a shared cultural identity is required for solidarity to exist. In Iraq, mechanical solidarity and organic solidarity appear as two distinct forms of solidarity that distinguish simple, non-industrial societies—including Iraq—from complex industrial societies. Some consider a shared cultural and historical background to be the basis of solidarity within the political community in Iraq[5].

It may nevertheless be said that even if obvious similarity is not an essential condition for solidarity to exist in Iraq, the existence of a coherent and clear common identity is at least necessary if solidarity is to exist. Some also indicate that no single theory can provide an adequate explanation of solidarity and highlight three main theories that identify factors likely to contribute to solidarity across society, especially when operating together:

1. Associational Theory: This theory argues that solidarity arises from "people's participation in a set of civil and political associations."
2. Identity Theory: This theory argues that solidarity is rooted in a shared identity.
3. Institutional Theory: This theory suggests that the causes and effects of solidarity may be reversed and that "solidarity is in fact the result of a society's policies and institutions rather than their (indirect) cause."

This means that each of these three theories correctly identifies factors that strengthen solidarity, but "they also appear to be more powerful when operating together." Jurisprudential debate on the nature of solidarity often fails to distinguish between the definition of solidarity and the conditions necessary for its flourishing. This is evident, for example, in Hart's response to the claim that shared commitment to a particular morality is the basis of solidarity. Legislators also commonly refer to solidarity

3 Abdul-Hassan Asfour Al-Shammari, The Distribution Crisis and the Performance of the Iraqi Political System, Dar Al-Rafidain for Printing, Publishing and Distribution, Baghdad, 2024, p. 16.

4 Marwan Hussein Ahmed and Fawzi Hussein Salman, "Legal Protection of the Right to Sustainable Development," Basra Studies Journal, Supplement to No. (48), Year 18, June 2023, p. 173.

5 The Iraqi Legal Profession Law provided that: "... 6—In fulfillment of the duty of Arab solidarity and in accordance with the principle adopted by the Unified Draft Law on the Legal Profession, a lawyer who is a national of an Arab state is permitted to represent a party in a specific case, subject to reciprocity." This represents transnational solidarity. See the legislative reasons for Legal Profession Law No. (84) of 1960.

as a means of achieving development, including the provision stating: "Second: disseminating a culture of human rights and issues concerning women and children by consolidating the values of tolerance and concepts of social solidarity[6]."

SUBSECTION TWO

Applications of Solidarity and Development and the Responsibility of Public Authorities under Judicial Rulings and Legal Provisions

The principle of solidarity was affirmed in accordance with the preamble to the Constitution, including the following statement: "We, the people of Iraq, rising from our setback and looking with confidence toward our future through a republican, federal, democratic, pluralistic system, have resolved, with our men and women, our elderly and our youth, to respect the rule of law, achieve justice and equality, reject the policy of aggression, attend to women and their rights, the elderly and their concerns, and children and their affairs, disseminate a culture of diversity, and defuse terrorism."

From the perspective of solidarity, a researcher may ask whether solidarity exists among all members of society within a particular political community. This is not always the case: minorities, for example, may be excluded from the principal and dominant societal solidarity group[7]. To the extent that reciprocal duties are derived from the concept of solidarity, those excluded from the principal group may be regarded as less entitled to social benefits or to the protection of state institutions.

The Federal Supreme Court of Iraq has indicated that the state bears the responsibility for performing the most important duties before individuals do. It ruled that:

"... the existence of the state is a social and political necessity brought together by the social peace of citizens; the state has objectives and duties that must be fulfilled, and those objectives and duties cannot remain static, as they must keep pace with the movement and development of society and the circumstances through which the country passes, whether local, regional, or international."[8]

Accordingly, as a matter of solidarity and development, the state must perform its duties; otherwise, its legal responsibilities arise. The Federal Supreme Court of Iraq decided that the failure to complete the formation of the executive authority despite the expiry of all constitutional time limits for electing the President of the Republic and forming the Council of Ministers, together with the legislative authority's failure to perform its constitutional duties—particularly the enactment of the budget law, because it is legally connected to the livelihood of the people—constitutes a violation of the Constitution and a breach of the purpose for which those authorities exist. Thus, the failure to complete the formation of the executive authority despite the expiry of all constitutional periods, and the legislature's failure to perform its constitutional duties, especially the enactment of the budget law, constitutes a violation of the constitutional purpose for which the legislative and executive authorities were established[9].

Under a simple definition, the concept of solidarity expresses the commitment of members of a group to one another's welfare and can therefore be said to constitute the basis of their willingness to bear the costs and sacrifices that may be required to secure the welfare of other members of the group. Some also consider that "solidarity is often based on 'we-thinking'"[10], and that it can be distinguished not only from antisocial selfishness but also from unilateral self-centeredness. Altruism, empathy,

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6 A decision was issued concerning the consolidation of the foundations of solidarity and brotherhood among Arabs, Kurds, and all national minorities. It stated that fraternity and solidarity among nationalities are a phenomenon accompanying systems hostile to them, while at the same time affirming that the Kurdish people would find genuine opportunities to realize their aspirations and hopes through their militant solidarity with their brother Arab people. See the decision of the dissolved Revolutionary Command Council No. 484 of 1969.

7 See the decisions of the Federal Supreme Court of Iraq in Case No. 155/Federal/2019 and its consolidated cases Nos. 157, 160, 161, 162, 164, 165, 166, 167, 168, and 171/2019, and Case No. 5/Federal/2021.

8 See Federal Supreme Court Decision No. 132 and its consolidated cases /Federal/2022.

9 For details, see Fatima Abdul-Jabbar, "Human Solidarity in Contemporary Western Political Thought," No. 47, 2023, p. 1.

10 Law of the Independent Human Rights Commission in the Kurdistan Region–Iraq No. (4) of 2010.

and care among members of society can likewise encourage people to contribute to the welfare of others, although such contributions may be intermittent and individual in nature.

The collective and interdependent nature of solidarity in Iraq makes it a more reliable and stable source for generating a willingness to act continuously and repeatedly for the benefit of others. To the extent that a just society is one in which its members care for one another, and if we believe that the existence of such a society is a goal worth pursuing, solidarity among members of society is desirable[11].

It follows naturally that economic redistribution in Iraq, military service, and even the wearing of face masks require members of the state to make concessions for the welfare of other members. In fact, securing almost every aspect of justice, from social and economic rights to individual liberty, requires some members of society to bear a cost. This includes the financial cost of protecting and enforcing these rights—a cost borne by society as a whole—as well as concessions that individuals may be asked to make with respect to their comfort and preferences in order to ensure the realization of the rights of others[12].

If solidarity is the disposition underlying the social duties necessary to build a just society, then political communities seeking justice, in their institutional form as states, have a legitimate interest in protecting, facilitating, and strengthening solidarity. Conceptions of solidarity may vary in intensity and are often linked to a particular conception of justice. A political community may have a thin conception of solidarity[13], whereby members commit to ensuring that all members enjoy the minimum conditions necessary for survival, or a thick conception of solidarity, whereby members regard themselves as committed to ensuring a certain standard of living and certain life opportunities for one another. It is important to emphasize that, in practice, a political community may adopt a conception of solidarity that does not promote justice[14].

Solidarity is of fundamental value in strengthening social solidarity in Iraq, particularly with respect to the existence of reciprocal obligations and the universal application of those obligations within society. The Constitution also seeks to lay the foundations of just societies; nevertheless, states differ as to the type of justice that constitutions should guarantee[15].

The enjoyment of constitutional rights and the existence of at least an implicit conception of solidarity and development constitute a basic condition for the sustainability of the latter. This means that, in recognizing solidarity as a constitutional value, the term "value" is used here in its broad moral sense, as a fundamental principle that may or may not be expressly identified as a value. A distinction must, in fact, be drawn between constitutional values and constitutional principles. Constitutional values are often "linked to culture and tradition," whereas "constitutional principles are often connected to matters less closely related to culture than is usually the case when values are mentioned." Nevertheless, the distinction is not absolute, and the two terms are often used interchangeably[16].

It follows that constitutional values play a role in adjudicating and interpreting constitutional cases. Reliance on such values may expose judges to criticism, particularly when they resort to values not expressly mentioned in the Constitution. Nonetheless,

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11 An example is what the Iraqi Constitution states: "We are the sons of Mesopotamia, the homeland of messengers and prophets, the resting place of the pure Imams, the cradle of civilization, the makers of writing, pioneers of agriculture, and founders of numeration. On our land the first law made by humankind was enacted; in our homeland the most ancient just covenant for governing nations was written; upon our soil the Companions and saints prayed, philosophers and scholars theorized, and writers and poets created."

12 Selected Methodological Issues in Political Science, History, Law and Demography, Arab Center for Research and Policy Studies, Cairo, 2023, p. 101.

13 The repealed Constitution of 1964 stated in Article (4) that "social solidarity is the foundation of Iraqi society."

14 Muhannad Hamid Mahdi Saleh, The Political and Economic Effects of the Eastward Enlargement of the European Union (Eastern European Countries as a Model), Al-Academiyoun Publishing and Distribution, 2019, p. 47.

15 Talib Aziz, Iraq among the Nations: A New Vision of Iraq's Foreign Relations, Al-Academiyoun, Amman, 2020, p. 35.

16 The Iraqi legislature stated that "social solidarity is the primary basis of society, and its content is that every citizen shall fully perform his duty toward society and that society shall guarantee the citizen all his rights." See Article 1 of Social Welfare Law No. (126) of 1980.

judges recognize and apply constitutional values, especially in difficult and controversial cases. The interpretation of principles is also part of the dialogical process through which a country's constitutional identity develops, and the same applies to what I define here as constitutional values in Iraq.

Following the foregoing analysis, we reach the following findings:

A. The political community in Iraq, as a community of solidarity, embraces transnational solidarity, a term I use to include both solidarity among states and solidarity among individuals across national borders. General references to solidarity that do not specifically identify who is included within the solidarity group may, within each of these groups, differ in relation to the nature and content of solidarity, such as the types of duties it entails, the individuals or institutions bound by those duties, and the ideology with which it may be associated (such as socialism and social democracy), among other matters.

B. We also found a set of explicit and implicit constitutional references only to solidarity or fraternity. The constitutional value of solidarity can, however, be incorporated in many non-explicit ways: through references to reciprocal obligations in different fields; through conceptions of the Iraqi people; and through other similar values. In theory, such non-explicit references to solidarity may be classified in the same way as explicit references, namely as solidarity within the state, transnational solidarity, or general solidarity. Such classification, of course, requires an objective and contextual reading of the Constitution.

C. Excessive significance should not be attached merely to the fact that a constitution expressly refers to solidarity. As is well known, the gap between what is written in a constitution and the law as applied is often wide, and values, as well as rights, included in constitutions are in many cases not respected in practice. Accordingly, first, the inclusion of solidarity as a constitutional value indicates that solidarity may play an important role in constitutional interpretation and refutes the claim that the concept of solidarity is irrelevant to constitutionalism. Second, the review indicates that national constitutions do not categorically reject transnational solidarity; rather, in many cases they support it. Among constitutions that contain explicit references to solidarity, most references focus on internal solidarity.

SECTION TWO

The Scope of the Right to Solidarity and Development in Emirati Law

The values of solidarity and development are manifested in the legal system of the United Arab Emirates through the Constitution's guarantee of social justice and mutual solidarity, the protection of individual rights, and the provision of a dignified life. These principles are integrated with an advanced legislative and institutional framework that consolidates the rule of law and provides a secure environment that stimulates investment and innovation. This constitutional structure thus contributes to balancing care for the individual with ensuring the sustainability of development and the stability of society. To explain this, the section is divided into two subsections:

SUBSECTION ONE

Constitutional and Institutional Grounding of the Concept of Solidarity and Development of the Human Development Sector

Solidarity within the state is often linked to duties, as might be expected from the idea that commitment lies at its core. An important question in this regard is to determine to whom these duties apply. In some cases[17], the value of solidarity expresses

17 The Iraqi legislature provided in the repealed Labor Law No. (151) of 1970: "Social solidarity is the primary basis of labor relations under this law and is achieved in practice as follows: (a) In the public sector: as a result of the absence of exploitation and the non-subjection of production to selfish personal interests by virtue of social ownership of the means of production and the joint administration of enterprises by the state and workers. (b) In the cooperative sector: as a result of the absence of exploitation and the existence of a collective interest in the enterprise by virtue of joint ownership of the means of production, democratic collective management of enterprises, and the fair distribution of production among all workers according to the quantity and quality of effort expended. (c) In the private sector: as a result of limiting exploitation by force of law and regulating labor relations on the basis of fair and equal contractual balance between employers and workers, and in accordance with workers' participation in the management of enterprises."

the state's obligations toward members of the political community (however that community is defined), and the duties arising from that value are imposed primarily on state institutions.

In the United Arab Emirates, this understanding of solidarity, as well as the duties arising from it, is closely linked to the constitutional endorsement of the welfare-state model and the recognition of social rights. Although these policies may ultimately impose secondary duties on individuals (such as the duty to pay taxes), the primary obligations under this conception of solidarity are imposed on the state. For example, in the field of public-benefit institutions, the legislature provided for the establishment of a Social Solidarity Fund: a fund established by legal persons, for a fixed or indefinite period, to promote the spirit of solidarity and mutual support among members affiliated with the fund[18].

The Emirati legislature has also established public bodies whose primary function is to carry out development in particular sectors. For example, Federal Decree-Law No. (42) of 2024 was issued concerning the establishment and regulation of the Education, Human Development and Community Council, which defined the human development sector as follows: "It includes all frameworks, targets, policies, strategies, legislation, and systems related to the development, advancement, and qualification of human resources in the State and their empowerment in the labor market."

This means that there is a different conception of solidarity within the state that emphasizes the obligations of individual members of the political community toward other members or toward the state. The preamble to the UAE Constitution states:

"Whereas our will and the will of the people of our Emirates have converged on establishing a Union among these Emirates in order to provide a better life, greater stability, and a higher international standing for the Emirates and all their people; and desiring to establish closer ties among the Arab Emirates in the form of an independent, sovereign federal state capable of preserving its own existence and that of its members, cooperating with sister Arab states and with all other friendly states that are members of the United Nations and of the international family generally, on the basis of mutual respect and the reciprocal exchange of interests and benefits; and desiring also to establish the foundations of federal government during the coming years on sound bases consistent with the present realities and capacities of the Emirates, enabling the Union to achieve its objectives, preserving the self-existence of its members in a manner not inconsistent with those objectives, and at the same time preparing the people of the Union for a free and dignified constitutional life while advancing them toward a fully integrated representative democratic government in an Arab Islamic society free from fear and anxiety."[19]

From another legal perspective, imposing duties on individuals, particularly toward the state, is an indication that solidarity appears designed to achieve this objective. In general, the concept of solidarity frequently appears in connection with other principles relating to social justice or social and economic rights. Solidarity also appears connected with workers' rights within the state or with securing their well-being. Accordingly, the Emirati legislature established the Ministry of Tolerance and Coexistence as part of the implementation of its duties toward individuals and the realization of development therein[20].

SUBSECTION TWO

Mechanisms of Social Empowerment, Transnational Development Protection, and the Hierarchy of Legal Acts

Both forms of solidarity and development can be found in Emirati transnational legislation and in national legislation. The Emirati legislature issued Federal Decree-Law No. (23) of 2024 concerning Social Support and Empowerment, which provides:

"This Decree-Law aims to support and empower citizens of the State through a social support program that achieves the following:

1. Providing support to low-income Emirati families to meet their living needs and enable them to secure a dignified life for their members.

18 Cecile Awad, "Family Solidarity and Sustainability: A Case Study of the United Arab Emirates 2023," International Journal of Financial, Administrative and Economic Sciences, Issue 2, No. 4, August 2023, Vol. 2, No. 4.

19 See Article (1) of Federal Decree-Law No. (50) of 2023 concerning the Regulation of Public-Benefit Institutions.

20 See the preamble to the UAE Constitution of 1971.

2. Providing social protection to the groups most in need within society.
3. Working to empower beneficiaries economically in a manner that enables them to achieve financial independence.
4. Promoting a culture of shared responsibility by assisting beneficiaries in entering the labor market and contributing an effective and productive role in society.
5. Providing support and relief in the event of crises and disasters."[21]

The Emirati legislature has sought to guard against social risks and secure a dignified standard of living for citizens, as may be inferred from the provisions of the UAE Federal Pensions and Social Security Law No. (7) of 1999. However, the Emirati legislature has not included foreign residents in the United Arab Emirates under a special social insurance law in the public and private sectors, in light of the strength of the state's economy[22].

At the Ministry of Community Empowerment, we believe that the human being is at the heart of development and that genuine empowerment begins with listening to people's needs and supporting them with dignity and respect. We extend social support to ensure a dignified and secure life for the groups most in need, open windows of hope through the third sector and the institutions and individuals it includes who contribute to making a real difference, and sow the seeds of giving in every part of our homeland through volunteering that brings hearts together in the love of doing good, regardless of differences in nationality, age, ideas, and dreams. In every story of support, there is a human being. In every volunteer initiative, there is hope. In every public-benefit institution, a future is taking shape. We are the Ministry of Community Empowerment, a beating heart that beats in the name of the Emirates, with the people, and for the people[23].

Accordingly, the idea of solidarity extending beyond national borders may be regarded as a pillar of global ethics, which, as noted above, questions solidarity confined within the state and regards it as conflicting with the pursuit of universality. Nevertheless, the inclusion of concepts of transnational solidarity in national constitutions indicates that, even from a national perspective, this is not necessarily the case and that the different layers and types of solidarity are not viewed as mutually contradictory. While some constitutional references to solidarity identify the solidarity group, many constitutions contain a general reference to solidarity without specifying among whom it exists or what specific obligations and duties arise from it[24].

Accordingly, solidarity has a collective conception, either alongside other principles of social justice or as a complement to individual principles and values such as human dignity. Of course, the mere inclusion of solidarity in a constitution does not

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21 The Ministry of Tolerance and Coexistence is responsible for overseeing the implementation of the pillars of the "National Program for Tolerance" falling within its mandate. The Council of Ministers adopted the National Program for Tolerance as a major platform through which the Ministry embodies the nation's commitment to participating with all countries of the world in supporting tolerance, pluralism, and peaceful coexistence. In celebration of the Golden Jubilee in the fiftieth year since the establishment of the State, the United Arab Emirates is prepared to embark on the next fifty years by sharing its unique experience as a state characterized by peace and tolerance, so that collective benefit may be achieved and global experiences may be utilized through working together for the good of all humanity. From this standpoint, the Ministry of Tolerance and Coexistence works with local and global entities, communities, and institutions alike to cooperate and mobilize efforts as an instrument for enabling tolerance. See the Ministry's official website: https://www.tolerance.gov.ae/%d8%a7%d9%84%d9%88%d8%b2%d8%a7%d8%b1%d8%a9?lang=ar. Last accessed 27 May 2025 at 4:00 p.m.

22 See Article (2) of Federal Decree-Law No. (23) of 2024 concerning Social Support and Empowerment.

23 Mohammed Abbasi Majdoub and Muzaffar Jaber Ibrahim Al-Rawi, "Highlights on Social Insurance under Emirati and Jordanian Law: Insurance for Occupational Injuries, Old Age, Disability, Death, and Unemployment in the Private Sector," Dafaater Al-Siyasa wa Al-Qanun, Vol. 9, No. 16, 2017, p. 165.

24 Hussam al-Din Ahmed Khalil, Mohammed Abdullah Sawan, and Wasfi Hussein Al-Tarawneh, Fines, Penalties and Sanctions under the Jordanian Income and Sales Tax Laws and the UAE Value Added Tax Law, Dar Al-Khaleej for Publishing and Distribution, Amman, 2022, p. 67. See also Sustainability and Climate Action in Emirati Thought, Emirates Center for Strategic Studies and Research, 2023, p. 5.

itself reveal much about its importance or its actual role within the constitutional framework of the country. This means that solidarity may provide a basis for assessing state action and legislation while reinforcing a range of social and economic rights, such as health care, social security, and education[25].

The existence of different conceptions of constitutional solidarity in the United Arab Emirates and the presence of more than one form of solidarity within a single constitution suggest that constitutions can serve as a basis not only for solidarity within the state but also for transnational solidarity and, more importantly, for complex, multilayered solidarity. As with many constitutional terms, the work that solidarity may be capable of performing depends on how it is interpreted and, more importantly, on how and in which circumstances it is applied. Nevertheless, the explicit constitutional endorsement of solidarity as a value is important from an expressive perspective and as a value to which judges may refer when interpreting or assessing legislation and policies[26].

It follows that Emirati legislation has recognized social and economic rights within specific frameworks as permitted by its legal systems. More importantly, there are certain means and measures that enable the prevailing systems to achieve their objectives, together with guarantees that ensure respect for those rights. The principle of legality is based on the proposition that the acts of public authorities must be governed by a defined legal framework so that the idea of government subject to law may be realized. Here, the principle of legality rests on a fundamental framework, namely the hierarchy of legal acts, because this hierarchy is capable of constructing the legal rule on a solid and defined basis. Legal rules are linked sequentially within the legal system and are not all of the same rank in terms of value and legal force; rather, they are hierarchically ordered. Constitutional rules occupy a higher rank than ordinary legislative rules, which in turn rank above regulatory rules issued by administrative authorities, and the hierarchy continues until it reaches the individual rule. Accordingly, the right to social security and the right to development affirm the rule of law and the principle of legality because these constitute major guarantees of individuals' rights and freedoms against public authorities. The Federal Constitution of the United Arab Emirates has affirmed the operation of the principle of legality and the hierarchy of laws[27].

CONCLUSION

On the basis of the foregoing, this study demonstrates that the principle of solidarity (national and international) is no longer merely a philosophical concept or a guiding value of an abstract moral character. Rather, within contemporary constitutional and legislative systems, it has become an authentic legal principle that creates interconnected positive obligations incumbent upon both the state and individuals. The comparison between the Iraqi and Emirati legal systems has shown that the realization of the right to development requires moving the idea of solidarity from formal proclamation to procedural and institutional frameworks capable of protecting individuals, sharing burdens and benefits, and guaranteeing sustainable social justice.

FIRST: FINDINGS

1. In modern legal scholarship and constitutions, the principle of solidarity has moved from the category of "non-binding guiding values" to that of "positive constitutional rules and principles" that impose legal obligations on public authorities to guarantee economic, social, and cultural rights.

2. Although the 2005 Constitution of the Republic of Iraq and the decisions of the Federal Supreme Court emphasize the importance of social solidarity and the protection of citizens' livelihood, the legislative system in some respects suffers from

25 The legislative package aims to enhance the State's institutional competitiveness and achieve comprehensive development in accordance with the Federal Government Strategy and UAE Vision 2021. It centers on developing the national economy and creating an environment conducive to economic activity, thereby contributing to the balanced and sustainable development of the State.

26 Miad Al-Shirawi, "Human Rights and the Rights of Vulnerable Groups in the Constitution of the United Arab Emirates," Algerian Journal of Legal and Political Sciences, No. 60, Vol. 2, 2023, p. 28.

27 Iman Ali Saif Al-Ketbi, "Mechanisms for the Protection of Social and Economic Rights in the United Arab Emirates," Zarqa Journal for Research and Studies in Humanities, Vol. 21, No. 3, 2021, p. 57.

the existence of "declaratory provisions lacking normative and procedural effect," as they merely proclaim solidarity without precisely defining its implementation or financing mechanisms.

3. The Emirati legislature has succeeded in entrenching solidarity as a tangible institutional reality through the creation of advanced governance frameworks (such as the Ministry of Community Empowerment, the Education and Human Development Council, solidarity funds, and cross-border social-support initiatives), thereby making solidarity a major driver of economic empowerment and the sustainability of development.

4. The study has established that internal solidarity (among members of the same political community) does not conflict with transnational solidarity (humanitarian and international); rather, each complements the other. Both the Iraqi and Emirati experiences contain provisions recognizing humanitarian and international solidarity and cooperation as part of constitutional identity.

5. The stability of the right to development rests primarily on the rule of law and the hierarchy of legal rules, whereby administrative and executive authorities are required to transform higher constitutional principles into effective regulations and decisions that protect the groups most in need and ensure the stability of transactions and development.

SECOND: PROPOSALS

1. We recommend that the Iraqi legislature avoid drafting constitutional and legislative provisions of a purely "promissory" nature and accompany every provision recognizing national solidarity with compensatory measures, specific implementation procedures, and clear financing mechanisms that enable litigants to rely upon them before the courts.

2. Benefit from the Emirati experience in social empowerment and move from the concept of "care-based/paternalistic social welfare" to the concept of "economic and sustainable empowerment" by developing labor and social security laws and activating the role of the third sector (public-benefit institutions).

3. We call upon the legislature to expand the coverage of social insurance and social security so as to include all vulnerable groups, while establishing flexible legal frameworks that support employers and workers and ensure the sustainability of solidarity funds against disasters and economic crises.

4. Encourage constitutional courts, particularly the Federal Supreme Court of Iraq, to expand the application of the principle of solidarity as a "binding interpretive standard" for the legislative and executive authorities, and to regard failure to enact budgets or the obstruction of development legislation as a breach of the principle of social and constitutional solidarity.

5. We recommend the establishment of organized national legislative frameworks for transnational solidarity (such as humanitarian and relief assistance), governed by legal rules that ensure their sustainability and transparency, thereby strengthening the humanitarian and international role of both states in realizing the universal human right to development.

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