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The United Nations' Response to HIV/AIDS in Africa

AIDS has changed Africa, and the world, forever. AIDS is not just another disease. It is the worst pandemic humanity has ever faced, and it is at the heart of the future development and identity of Africa. Across Africa there is a spirit of determination to at last attack the epidemic with full force. The planning phase is over. The time of small-scale pilot projects is over. Full-scale engagement has begun.

- Peter Piot, Executive Director, Joint United Nations Programme on HIV/AIDS (UNAIDS)¹

More than 8,000 people die of AIDS every day.² Nearly 600 people become infected with HIV every hour.³ A child dies from the virus every minute.⁴ Today, approximately 40 million adults and children are living with HIV or AIDS.⁵ More than 28 million of those infected live in Sub-Saharan Africa.⁶ In 2001, there were an estimated 3.4 million new HIV infections in Africa.⁷ Sub-Saharan Africa, however, accounts for only one-tenth of the global population.⁸ Ninety-five percent of new infections occur in the world's

¹ Peter Piot, Address at the 12th International Conference on AIDS and STDs in Africa (Dec. 9, 2001), available at <http://www.unaids.org/whatsnew/speeches/eng/piot091201ouagadougou.html> (last visited Mar. 20, 2002).

² Kofi Annan, *No Letting Up on AIDS*, WASH. POST, November 29, 2001, at A33, available at <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=contentId=A31510-2001Nov28> (last visited Mar. 20, 2002).

³ *Id.*

⁴ *Id.*

⁵ UNAIDS, *Regional HIV/AIDS Statistics and Features, End of 2001*, at http://www.unaids.org/worldaidsday/2001/EPIgraphics2001/EPIgraphic2_en.gif (last visited Mar. 20, 2002).

⁶ *Id.*

⁷ Press Release, UNAIDS, Time To Turn Commitments into Action in Africa, UNAIDS Says: Echoing Theme of Conference on AIDS in Africa, Piot Calls for Greater Community Commitment, More Country and Private Sector Resources (Dec. 10, 2001), available at <http://www.unaids.org/whatsnew/press/eng/pressarc01/index.html> (last visited Mar. 20, 2002).

⁸ African Development Forum 2000, *Why This Issue for the Second ADF?*, available at <http://www.un.org/Depts/eca/adf2000/why.htm> (last visited Mar. 20, 2002).

poorest countries, where medications are not available.⁹ Without antiretroviral medication, most people living with HIV/AIDS will die.¹⁰ Thirty thousand Africans — out of 28 million infected — are currently taking antiretroviral drugs.¹¹

In response to the growing HIV/AIDS crisis, the United Nations has become the leading advocate for a global response to the HIV/AIDS epidemic.¹² In 1996, the United Nations, in cooperation with six Co-sponsors, developed the Joint United Nations Programme on HIV/AIDS (UNAIDS). The original Co-sponsors included: the United Nations Children's Fund (UNICEF); the United Nations Development Programme (UNDP); the United Nations Population Fund (UNFPA); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World Health Organization (WHO); and the World Bank. Since 1996, the International Labour Organization (ILO) and the UN International Drug Control Programme (UNDCP) have also joined UNAIDS as Co-sponsors. "The goal of UNAIDS is to catalyze, strengthen, and orchestrate the unique expertise, resources, and networks of influence that each of these organizations offers"¹³ in order to address the devastating impact of the virus on human life, and on social and economic development.¹⁴

UNAIDS is governed by the UNAIDS Secretariat, and is guided by a Programme Coordinating Board, which consists of representatives of 22 governments from all over the world, representatives of the Co-sponsors, and representatives of nongovernmental organizations (NGOs), including associations of people living with HIV/AIDS. The organization operates mainly "in the field." That is, Co-sponsor representatives who are based in developing countries share information, plan and monitor coordinated action, and decide on joint financing of major AIDS activities through Theme Groups. The main goal of the Theme Group is to support the host country's efforts to initiate an effective and all-inclusive response to

⁹ Reuters, *Doctor: AIDS Toll Set to Surpass Black Death* (January 24, 2002), available at <http://www.cnn.com/2002/HEALTH/01/24/bc.aids.reut/index.html> (last visited Jan. 25, 2002).

¹⁰ *Id.*

¹¹ Piot, *supra* note 1.

¹² Joint United Nations Programme on HIV/AIDS, *What UNAIDS Does*, at <http://www.unaids.org/about/what.asp> (last visited Mar. 20, 2002).

¹³ *Id.*

¹⁴ *Id.*

HIV/AIDS. As a result, the host government is usually invited to be part of the Theme Group, as are other United Nations agencies and bilateral organizations working in the country. As of April 1999, 132 United Nations Theme Groups on HIV/AIDS had been established, covering 155 countries.¹⁵

The years 2000 and 2001 were years of activity and response to the global HIV/AIDS epidemic.¹⁶ During a Special Session on HIV/AIDS in June of 2001, in an attempt "to secure a global commitment to enhancing coordination and intensification of national, regional and international efforts to combat it in a comprehensive manner," the General Assembly adopted yet another resolution, declaring the United Nations' commitment to HIV/AIDS.¹⁷ The United Nations was not only concerned with the profound impact that the virus has on human life, but also its effect on social and economic development among all levels of society.¹⁸ The Declaration also noted "grave concern" with the current state in Sub-Saharan Africa, since that area:

is currently the worst affected region where HIV/AIDS is considered as a state of emergency, which threatens development, social cohesion, political stability, food

¹⁵ *Id.*

¹⁶ During 1999-2001, the United Nations made commitments to the fight against HIV/AIDS through: the United Nations Millennium Declaration of 8 September 2000; the Political Declaration and Further Actions and Initiatives to Implement the Commitments made at the World Summit for Social Development of 1 July 2000; the Political Declaration and Further Action and Initiatives to Implement the Beijing Declaration and Platform Action of 10 June 2000; Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development of 2 July 1999; the regional call for action to fight HIV/AIDS in Asia and the Pacific of 25 April 2001; the Abuja Declaration and Framework for Action for the Fight Against HIV/AIDS, Tuberculosis and other Related Infectious Diseases in Africa, 27 April 2001; the Declaration of the Tenth Ibero-America Summit of Heads of State of 18 November 2000 in Panama; the Caribbean Partnership Against HIV/AIDS, 14 February 2001; the European Union Programme for Action: Accelerated Action on HIV/AIDS, Malaria and Tuberculosis in the Context of Poverty Reduction of 14 May 2001; the Baltic Sea Declaration on HIV/AIDS Prevention of 4 May 2000; and, the Central Asian Declaration on HIV/AIDS of 18 May 2001.

Declaration of Commitment on HIV/AIDS: Global Crisis – Global Action, U.N. GAOR, 26th Special Sess., 8th plen. mtg., Annex, Agenda Item 8, ¶ 6, U.N. Doc. A/RES/s-26/2 (2001).

¹⁷ *Id.* at 1.

¹⁸ *Id.* at 2-4.

security and life expectancy and imposes a devastating economic burden and that the dramatic situation on the continent needs urgent and exceptional national, regional and international action.¹⁹

In an effort to commit itself and the rest of the world to alleviating the effects of this “global emergency,” the members of the United Nations General Assembly set goals and targets of action through its Declaration. The Declaration states that the United Nations will take action by either 2003 or 2005, depending on the program, as follows:

- develop and implement leadership strategies for combating HIV/AIDS that address all social, economic, and health issues on a local, regional, national, and global level, and encourage and support regional organizations who do the same;²⁰
- “establish time-bound national targets to achieve the internationally agreed global prevention goal,”²¹ as well as prevention targets and care programs, prevention strategies, and precautions in health care settings to prevent transmission of HIV;²²
- ensure by 2005 that at least 90%, and by 2010, at least 95% of persons between ages fifteen and twenty-four have access to information, education, and services to develop life skills to reduce their vulnerability to HIV infection;²³
- reduce by 2005 the proportion of infants infected with HIV by 20%, and by 50% by 2010 through ensuring that 80% of pregnant women have HIV prevention services available to them, and providing physical and intervention treatment to reduce mother-to-child transmission of HIV;²⁴
- develop and provide the highest standard of health care, support, and treatment;²⁵

¹⁹ *Id.* at 8.

²⁰ *Id.* at 37-46.

²¹ This goal is to reduce HIV prevalence among young men and women aged 15 to 24 in the most affected countries by 25% by 2005, and by 25% globally by 2010. *Id.* at 47.

²² *Declaration of Commitment on HIV/AIDS: Global Crisis – Global Action*, U.N. GAOR, 26th Special Sess., 8th plen. mtg., Annex, Agenda Item 8, at 48-51.

²³ *Id.* at 53.

²⁴ *Id.* at 54.

²⁵ *Id.* at 55-7.

- enact, strengthen, or enforce legislation to or other measures to eliminate all forms of discrimination against people living with HIV/AIDS, and to secure access to health care, employment, education, inheritance, and legal protection, *inter alia*;²⁶
- develop and implement national strategies that promote the advancement and empowerment of women in all areas of human rights, and promote the shared responsibility of men and women to have safe sex;²⁷
- reduce vulnerability to infection through the implementation of policies, programs, and strategies aimed at identifying and addressing factors that make persons particularly vulnerable to HIV infection, recognizing the importance of the family, and promoting health;²⁸
- develop and implement policies and strategies to strengthen capacity of governments and families to provide a supportive environment for orphans and children affected by HIV/AIDS, and encourage the de-stigmatization of children orphaned by HIV/AIDS and the support of the private sector to support programs aimed at helping children;²⁹
- invest in economic development, with a focus on poverty eradication and workplace rights;³⁰
- strengthen, accelerate, and encourage research on the development of HIV vaccines and the monitoring of treatment, as well as provide support for the development of national and international research infrastructure and equipment, and for an independent committee of ethics to review research protocols;³¹
- provide new, additional and sustained resources, and reach a target of annual expenditure on the epidemic of between \$7 billion and \$10 billion in low and middle-income countries;³²

²⁶ *Id.* at 58.

²⁷ *Declaration of Commitment on HIV/AIDS: Global Crisis – Global Action*, U.N. GAOR, 26th Special Sess., 8th plen. mtg., Annex, Agenda Item 8, at 59-61.

²⁸ *Id.* at 62-4.

²⁹ *Id.* at 65-7.

³⁰ *Id.* at 68-9.

³¹ *Id.* at 70-4.

³² *Id.* at 79-80.

- urge the developed countries who have not done so to meet the targets of 0.7% of their GNP for overall official development assistance and of earmarking 0.15% to 0.20% of GNP as official development assistance for least developed countries;³³
- urge the international community to complement the efforts of developing countries through increased international development, particularly in Sub-Saharan Africa;³⁴
- address debt problems of least developed countries, especially those most affected by HIV/AIDS;³⁵
- establish a global HIV/AIDS and health fund to finance a response to the epidemic and to assist governments in their efforts to combat HIV/AIDS, and by 2002, launch a worldwide fundraising campaign;³⁶
- follow-up on progress by conducting periodic review involving the participation of all members of society, develop monitoring and evaluation mechanisms, support conferences on this issue, disseminate information, and ensure that HIV/AIDS issues are included on the agenda of all appropriate United Nations conferences and meetings.³⁷

Although this Declaration was a global initiative, its commitment to HIV/AIDS has spurred a strong response to HIV/AIDS in Africa in particular.³⁸ Although United Nations Secretary-General Kofi Annan endorsed the creation of the global trust fund at an African summit meeting in Nigeria in April 2001, only \$528 million had been pledged (out of the \$7 billion to \$10 billion called for) in June 2001, the date of the Declaration.³⁹ By the end of January 2002, pledges from industrialized and developing countries, corpo-

³³ *Declaration of Commitment on HIV/AIDS: Global Crisis – Global Action*, U.N. GAOR, 26th Special Sess., 8th plen. mtg., Annex, Agenda Item 8, at 83.

³⁴ *Id.* at 84.

³⁵ *Id.* at 86-8.

³⁶ *Id.* at 90-1.

³⁷ *Id.* at 994-103.

³⁸ In an editorial piece printed in the *Washington Post*, Kofi Annan wrote, "The entire United Nations family is fully engaged in this fight, working to a common strategic plan and supporting country, regional and global efforts through our joint program, UNAIDS. Perhaps most important, a new awareness and commitment have taken hold among governments — most notably in Africa." Annan, *supra* note 2.

³⁹ *Powell Promises Continued U.S. Support in AIDS fight*, Jun. 25, 2001, available at <http://www.cnn.com/2001/HEALTH/06/25/un.aids.conference.02/index.html> (last visited Mar. 20, 2002).

rations, foundations, and individuals stood at \$1.9 billion.⁴⁰ The Fund will be distributing an estimated \$700 million by April 2002.⁴¹ However, current spending in Sub-Saharan Africa is only one tenth of the \$4 billion the continent needs.⁴²

Furthermore, UNAIDS' International Partnership against AIDS in Africa has been working to "reduce the number of new HIV infections in Africa, promote care for those who suffer from the virus, and mobilize society to halt the advance of AIDS."⁴³ Since the development of the International Partnership against AIDS in Africa in 2000, many Sub-Saharan African countries have responded to the United Nations' call for action. For example: Burkina Faso and Cote d'Ivoire have established a national security fund for HIV/AIDS; South Africa launched the South African Business Council to act as a clearing-house for programs on AIDS in the workplace; and religious institutions in Uganda, Senegal, Zambia, and Cameroon have incorporated information about AIDS prevention into their spiritual teachings.⁴⁴

In November 2001, UNAIDS named Roger Milla, an African soccer legend, the Ambassador for UNAIDS to help fight the AIDS epidemic, especially among young men.⁴⁵ Milla is the organization's first international Ambassador from Africa. Moreover, at that date, more than seventy-two countries had indicated their interest, and fourteen had signed agreements, including ten in Africa, indi-

⁴⁰ Press Release, The Global Fund to Fight AIDS, Tuberculosis and Malaria, Global Fund to Fight AIDS, TB and Malaria Issues Call for Funding Proposals: Funding Criteria Announced and Board of Directors Elected; First Round of Grants To Be Awarded in April (Jan. 29, 2002), available at <http://www.globalfundatm.org/news.html> (last visited Mar. 20, 2002).

⁴¹ *Id.*

⁴² Press Release, UNAIDS, Time To Turn Commitments into Action in Africa, UNAIDS Says: Echoing Theme of Conference on AIDS in Africa, Piot Calls for Greater Community Commitment, More Country and Private Sector Resources (Dec. 10, 2001), available at <http://www.unaids.org/whatsnew/press/eng/pressarc01/index.html> (last visited Mar. 20, 2002).

⁴³ UNAIDS, *What Is the International Partnership Against AIDS in Africa?*, November 2000 Update, available at <http://www.unaids.org/africapartnership/whatis.html> (last visited Mar. 20, 2002).

⁴⁴ *Id.*

⁴⁵ While 11.8 million 18-24 year olds are infected with HIV worldwide, 8.6 million of those are in Africa. Press Release, UNAIDS, World-Renowned Soccer Player Roger Milla Appointed UNAIDS Ambassador (Nov. 29, 2001), available at <http://www.unaids.org/whatsnew/press/eng/pressarc01/index.html> (last visited Mar. 20, 2002).

cating their intent to participate in the UNAIDS “Accelerating Access” initiative. This initiative “represents a redoubling of efforts to assist countries in implementing comprehensive packages of care for people living with HIV/AIDS.” It involves advocacy and policy guidance, as well as “fast-track” support for those developing countries that have formally indicated that they want assistance from the UN to significantly expand access to HIV care, support, and treatment. It emerged out of the partnership made in May 2000 between the UNAIDS and five pharmaceutical companies.⁴⁶

It is clear that the United Nations’ response to HIV/AIDS has been strong. However, many of its initiatives involve advocacy and commitments rather than direct action. Although planning and advocacy is necessary to the fight against the epidemic, major hurdles still exist. Schools need to change what they teach, armies need to change the way soldiers behave, agricultural ministries need to change their rural development plans, and finance ministries need to place AIDS at the core of their poverty responses.⁴⁷ “Until and unless the AIDS response is in the mainstream of all social and economic planning, the epidemic will continue to outpace us.”⁴⁸

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⁴⁶ Press Release, UNAIDS and World Health Organization, UN Efforts Broaden Availability of Antiretrovirals: “Accelerating Access” Initiative Moving Forward; 72 Countries Worldwide Express Interest (Dec. 11, 2001), *available at* <http://www.unaids.org/whatsnew/press/eng/pressarc01/index.html> (last visited Mar. 20, 2002).

⁴⁷ See generally Piot, *supra* note 1.

⁴⁸ Piot, *supra* note 1.