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Thank you to the organizers of this seminar—the government of Bangladesh, the Philippines and the OHCHR—for even thinking about putting this event together. Thank you for including me in your list of speakers.

Back home in the Philippines, a series of tragedies have recently come one after another. The typhoon that visited Mindanao in the southern part of the country a few days before Christmas last year, was the first ever to hit the two cities. People were killed in the mudflows cascading from mountains, or were carried out to sea beyond rescue. Then a mudslide as a mountain gave in to weeks of torrential rain in another part of the island, then a 6.9 magnitude earthquake came in another part of the country. As I speak, the rains continue in many parts of the Philippines, during a month that is supposed to be the best time of the year to visit the country because the weather is cool and dry. Is this series of disasters due to climate change? I am not a specialist so I can only say that this is certainly the first time in living memory that these severe weather phenomena are happening in my country in places where there used to be no typhoons at all, and with such terrifying frequency and intensity.

The international community responded and aid poured into the Philippines. What is touching is that the sum total of all that aid coming from outside the country has been surpassed by what Filipinos themselves have been giving to their stricken compatriots. In a country whose poverty level is one of the highest in the region, this extraordinary expression of compassion and solidarity is one for the books. Volunteers from all corners of the country, flocked to the disaster areas, to give in service what they had no capacity to give in cash or in kind.

I am sharing this anecdote with you just as a point of reference to illustrate how disasters can in the blink of an eye, destroy everything especially the capacity of people to provide for themselves, particularly those belonging to the most vulnerable and disadvantaged—women, children, the elderly, persons with disabilities, and those who live in poverty. At times such as what we have been experiencing in the Philippines, the obligation of government is to provide for its affected population that has lost its capacity to do so for itself as a result of the devastation. This is the essence of the duty to provide, a dimension of the

obligation to fulfil human rights. During times of emergencies, we often forget that food, shelter, clothing, healthcare and medication are not just basic human needs, but are basic human rights. In other words these are entitlements that all human beings should enjoy. And at times such as this, the international community comes to the aid of not only a stricken people but also of their government whose capacity to provide is hindered by resource limitations, and cannot therefore ensure for its people their basic human rights for survival. At times such as this, we see solidarity at work, transcending national boundaries, as people and governments reach out to assist those who are suffering and are in need.

This reaching out in times of suffering and need, is the essence of international assistance or humanitarian aid, but it must be stressed that this is not the extent of international cooperation. International cooperation is a coordinated process between two or more States towards the achievement of a common goal. The UN Charter states that one of the purposes of the United Nations is to “achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (Article 1, paragraph 3).

International cooperation is thus a means—because it is a process, and at the same time, an end, because it is at the same time, a goal that is to be achieved being one of the purposes of the UN. International cooperation is also an obligation of States. General Comment 3 of the Committee on Economic, Social and Cultural Rights on the nature of States parties obligations, emphasizes that “...in accordance with Articles 55 and 56 of the Charter of the United Nations, with well-established principles of international law, and with the provisions of the Covenant itself, international cooperation for development and thus for the realization of economic, social and cultural rights is an obligation of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard.”

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have a common Article 1 referring to the free disposal of natural resources “...without prejudice to any obligations arising out of international economic co-operation, based upon the

principle of mutual benefit, and international law”. But it is in the wordings of the latter where the full extent of the commitment to cooperation for the promotion of human rights is made clear: “...each State Party of the Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized ...” (art. 2, para. 1). More specifically, with regard to “the fundamental right of everyone to be free from hunger”, the Covenant provides that States “shall take, individually and through international co-operation, the measures, including specific programmes, which are needed” (art. 11, para. 2). Similarly, States “recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields” (art. 15, para. 4).

The Committee further emphasizes that, in the absence of an active programme of international assistance and cooperation on the part of all those States that are in a position to undertake one, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries. This echoes what the UN Charter says in its Article 1, that one of the purposes of the UN is to achieve international cooperation in promoting and encouraging respect for human rights.

Human rights standards are applicable in all settings and in all situations including those that are related to climate change. In the case of the ICESCR that provides for the progressive realization of economic, social and cultural rights, particularly where resource allocations are necessary for their fulfilment, there are core obligations that apply to each of the provisions. Core obligations are of immediate effect and not subject to progressive realization. They are non-derogable even in times of conflict, emergencies and natural disasters. Core obligations arise from the minimum essential levels for each of the Covenant rights as identified by the Committee in its general comments. Thus far, core obligations have been identified in relation to the right to food, water and sanitation, health, education, work, social security and the right to take part in cultural life. In reference to a Covenant provision regarding the immediate obligation of States to take steps to the “maximum of its available resources”, the Committee considers

that this refers both to resources existing within a State as well as those available from the international community through international cooperation and assistance. In order for a State to be able to attribute its failure to meet its core obligations to a lack of available resources, it must demonstrate that every effort has been made to use all resources that are at its disposal in an effort to satisfy, as a matter of priority, those core obligations.

Thus, the core obligations of economic, social and cultural rights have a crucial role to play in national and international development policies, including in climate change related strategies. When grouped together, these core obligations establish an international minimum threshold that all development policies should be designed to respect. Upholding and invoking relevant international human rights instruments in general, and the ICESCR in particular, will provide a solid legal basis for international cooperation. The alternative may also be true—that the failure of governments to place human rights at the center of international cooperation will undermine the gains of historical experience that has been codified in international law.

In a recent briefing titled “What does Rio+20 mean for the world?”, Mr. Sha Zukang, Secretary General of the 2012 UN Conference on Sustainable Development—otherwise known as Rio+20 to be held in June this year—offered three insights to that question. I will stress only the first. He said and I quote: “It should generate economic dynamism and stability; promote social protection and inclusion; create jobs especially for the youth; protect the natural resource base in which the future of our planet depends. In short, it should integrate the economic, social and environmental pillars of sustainable development.” Mr. Zukang also identified seven priority areas: combating poverty including through green jobs and promoting social inclusion; advancing food security and sustainable agriculture; sound water management; energy access including from renewable sources as well as efficiency and sustainability; sustainable human settlements; management of oceans; and improving resilience and disaster preparedness. The institutional framework for addressing these priority areas are still to be negotiated.

The topics touched upon in the briefing whether as objectives or issues of concern, could have been straight out of the provisions of the International

Covenant on Economic, Social and Cultural Rights, and the general comments of the Committee. It is not splitting hairs here when I insist that what is sorely missing from the points enumerated in the briefing are the human rights normative references that should serve as a system of State accountability for the obligations based on the international human rights treaties that States have already ratified, and are therefore operational whether or not they commit to new agreements relating to sustainable development and to climate change. But it is important that this reference to human rights standards be included in international agreements in concrete terms. There is no need to reinvent another system of accountability. The necessary mechanism for this already exists in the international human rights regime.

In this regard, I respectfully call on those who are monitoring the various agreements and commitments related to responding to the challenges of climate change, to take a really close look and you will find the link between those commitments made by States, to the obligations they voluntarily took upon themselves when they ratified the international human rights treaties, while at the same time willingly agreeing to be held accountable for their actions and inactions. The international community must exercise its common but differentiated responsibilities in a manner that is consistent with, and that takes fully into account, its human rights obligations.

I would like to conclude with a quote from the Committee's statement to the first Rio de Janeiro summit twenty years ago in 1992: "The primary objective for all of us should be to live up to existing human rights standards and to build upon them, toward a better world and a sustainable future for ourselves and future generations." But I would tweak that a bit to say: The future has arrived and there is no more time for rhetoric. The imperative is to come together in the spirit of international solidarity, and act as one, not tomorrow but today, to address the challenges we must surmount. Let us mean it with sincerity when we say "a better world and a sustainable future for ourselves and future generations."

Thank you.

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