



DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS

Commission on Sustainable Development
acting as the preparatory committee for the
World Summit on Sustainable Development
Fourth preparatory session
27 May - 7 June 2002

Statement of the United Nations Committee on Economic, Social and Cultural Rights

Background Paper No. 5

Statement of the United Nations Committee on
Economic, Social and Cultural Rights
to the Commission on Sustainable Development acting as the Preparatory
Committee for the World Summit for Sustainable Development

Bali, Indonesia
27 May – 7 June 2002

1. In its task of monitoring compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Committee on Economic, Social and Cultural Rights (CESCR) has gained considerable experience in understanding the impact of international cooperation at the national level. The Committee therefore affirms its views that States must uphold the human rights commitments adopted in the Rio Declaration, Habitat II Agenda and other specialised and complementary efforts in international cooperation. It is therefore necessary to ensure the inclusion of references to human rights in the final documents of the World Summit on Sustainable Development (WSSD), to be held in Johannesburg, South Africa, from 26 August to 4 September 2002.
2. The international commitments on human rights and on sustainable development should be considered in light of their important points of convergence, and of the legally binding nature of human rights obligations. The committee calls upon States participating in the WSSD to ensure that positions and commitments taken at the Preparatory Committee and at the summit in Johannesburg are consistent with those of prior international agreements on human rights, development and environmental protection. The Committee notes that at this time, the draft WSSD documents do not contain any reference to relevant human rights standards and commitments. The Committee views this omission as a regressive course that must be corrected before the Johannesburg summit.
3. In its review of States parties' reports, the Committee observes with concern the overall decline in living conditions, particularly in connection with pressures of globalization and the shrinking role of the State, as more and more social services are turned over to non-State entities who have no comparable commitment to the progressive realization of economic, social and cultural rights, nor to the protection of the environment. The Committee has observed, for example, that the right to health is violated by "the failure to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries". Such a situation, involving acts and/or omissions of the State and non-State entities within the State's purview affect sustainable development, and also constitutes a breach of treaty obligations under the ICESCR. These negative developments are detrimental to sustainable development, the objectives of which will not be realised if human rights commitments continue to be eroded, and particularly if they are marginalized at the WSSD and in its follow-up.

4. Upholding and invoking relevant international human rights instruments in general and the ICESCR in particular, will provide a solid legal basis for international cooperation and a needed sense of duty to demonstrate the seriousness of the efforts of the WSSD. The alternative may also be true that the failure of governments to place human rights at the centre of converging efforts to achieve sustainable development will undermine the gains of historical experience codified in international law.
5. The Committee welcomes the opportunity to collaborate with States as active partners towards the realization of all the rights set forth in the Covenant. The Committee trusts that States, along with other entities involved in the promotion and protection of human rights, will ensure that the WSSD will forge an agreement and final document that reaffirm legal standards and commitments that have already been adopted. 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.

Geneva, 24 May 2002