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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on the right to food, Olivier De Schutter

Addendum

**Summary of communications sent and replies received from
governments and other actors***

* The present report is circulated as received.

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I. Introduction

1. In the context of his mandate, the Special Rapporteur on the right to food receives communications alleging violations of the right to food and related rights worldwide. Such communications are received from national, regional and international non-governmental organizations, as well as intergovernmental organizations and other United Nations procedures concerned with the protection of human rights.

2. The present addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of communications sent by the Special Rapporteur to States, responses received from States, observations of the Special Rapporteur, and follow-up communications and activities relating to earlier communications, from the period of 5 December 2009 to 6 December 2010 and replies received for the period of 6 February 2010 to 6 February 2011.

3. The Special Rapporteur has sought to condense details of communications sent and received. To the extent that his resources permit, the Special rapporteur continues to follow up on communications sent and monitors the situation where no reply has been received or where questions remain unanswered.

4. The Special Rapporteur has made a deliberate choice, during the past year, to significantly reduce the number of communications sent to Governments, both in order to be able to prioritize the work on thematic issues in the fulfilment of the mandate, taking into account the limited resources at his disposal, and in order to focus only on communications which were based on an extensive preliminary inquiry about the allegations receive, and which could allow for appropriate follow-up. During the period under review, the Special Rapporteur sent a total of three communications concerning the right to food to three Member States. Where appropriate, the Special Rapporteur has sent joint urgent appeals or letters with one or more special procedures of the Human Rights Council, where the allegations raised concerned the right to food as well as rights addressed under other mandates.

5. Out of the three communications transmitted to Member States, one response was received. During the period covered by the present report, the Special Rapporteur received four replies concerning communications summarized in previous communications reports (A/HRC/13/3/Add.1; A/HRC/10/5/Add.1; and A/HRC/7/5/Add.1).

6. The Special Rapporteur appreciates and thanks the concerned Member States for the replies as he considers them a useful way to engage in constructive dialogues concerning specific cases, issues or situations. He regrets, however, that in other instances, Governments have failed to respond. When Governments have responded, he regrets the selective approach, which does not respond to all the questions arising from the communication. Many communications remain outstanding and the Special Rapporteur encourages Governments to respond promptly to every communication and to all concerns raised in each communication.

7. The Special Rapporteur believes in the importance of engaging in a constructive dialogue with States aimed at implementing and realizing the right to food. The communications sent by the Special Rapporteur should be understood in this context. In a spirit of cooperation, the Special Rapporteur urges all States and other actors to respond promptly to the communications, and to take measures, as appropriate, to investigate allegations of the violation of the right to food and related rights, and to take all steps necessary to redress the situation.

8. To the extent that resources available to the mandate permit, the Special Rapporteur will continue to follow up on communications sent and monitor situations where no reply has been received, where the reply received was not considered satisfactory or where questions remain outstanding. The Special Rapporteur also invites the sources that have reported the alleged cases of violations, to review cases and responses included in this report, and send, when appropriate, follow-up information for further consideration of the cases.

II. Summary of communications sent to Governments and replies received

Bangladesh

Communication sent

9. On **8 April 2010**, the Special Rapporteur on the right to food, together with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health sent a joint allegation letter to the Government of Bangladesh regarding the situation of unregistered Rohingya asylum-seekers, refugees and migrants in Bangladesh.

10. According to new information received, thousands of Rohingyas in Myanmar had sought refuge in Bangladesh, with 28,000 recognized as *prima facie* refugees by the Government of Bangladesh living in official camps in Cox's Bazar District. An estimated 220,000 others, however, remained unregistered and, without official recognition, these unregistered Rohingyas were unable to receive official relief assistance. Further reports were received that new arrivals of Rohingya were forced to live as irregular migrants and thus vulnerable to exploitation and abuse.

11. The unregistered Rohingya asylum-seekers, refugees and migrants in Bangladesh allegedly have been victims of high levels of violence and of deportation attempts by both state and non-state actors. On 2 January 2010, reports were received that law enforcement agencies violently attacked unregistered Rohingya asylum-seekers, refugees and migrants, who had settled outside the two official refugee camps in Cox's Bazar District. Allegedly, in January 2010 more than 500 Rohingyas were arbitrarily arrested. Of those arrested, some were forced to return to Myanmar, and others were charged under immigration legislation and sent to prisons in Bangladesh. Previously in June and July 2009, local authorities were reported to have demolished shelters and forcibly removed Rohingya inhabitants in attempts to clear space around the perimeter of the official camps.

12. Due to the apparent targeted attacks on the Rohingya present in Bangladesh, thousands of unregistered Rohingya asylum-seekers, refugees and migrants moved into a makeshift camp outside the two official refugee camps. Since October 2009, the makeshift camp reportedly grew by 6,000 people, with 2,000 of these arriving in January 2010 alone. As the numbers swelled, nearly 29,000 people were living in severely inadequate conditions with no infrastructure to support them, limited access to adequate food, water and sanitation facilities, and therefore at serious risk of ill health.

13. While thousands of Rohingya were settled and had lived in the local community for many years, they were allegedly perceived as a burden on already scant resources and viewed as a threat to the local job market as they provided cheap labour to employers. Their unpopularity was fuelled by the local media and politicians. According to one report, a

xenophobic campaign was orchestrated by anti-Rohingya committees formed and allegedly funded by the local political elite, voicing their hostility to the Rohingya presence and demanding Government action against the Rohingya. Announcements were disseminated by loudspeakers in villages and towns ordering the Rohingya to leave and threatening locals harbouring them with arrest and prosecution. The local media acted as a vehicle for anti-Rohingya propaganda.

14. Concerns were raised in relation to the impact of the violent attacks on the access to food of the residents of the makeshift camps. The Rohingya population in the makeshift camps were critically food insecure and a significant number of children suffered from acute malnutrition. According to the information received, factors contributing to this situation included a dramatic increase in the number of unregistered Rohingya in the makeshift camps; a general lack of access to food relief rations and to livelihood opportunities; and an inability to leave the camp for fear of violence. Further, access to food for the registered refugees in the adjacent Kutupalong refugee camp also may have been affected as they often shared their meagre food relief rations with unregistered refugees.

15. The Special Rapporteurs acknowledged that the Government had undertaken concrete ongoing efforts to address concerns related to the Rohingya and that Bangladesh has been a host to hundreds of thousands of Rohingyas for many years. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs requested further information on what measures the Government had taken to protect migrants; the measures the Government had taken to ensure humanitarian assistance in the makeshift camp; what long-term plans were developed for the inhabitants of these unofficial/makeshift camps; the measures that were taken by Government to investigate, prosecute and provide reparations for victims of alleged incidents of violence targeting members of the Rohingya community in these districts; the measures that were taken in order to prevent the recurrence of violent incidents; the measures that were being taken by the Government to curb the xenophobic campaign by local media and local politicians targeting members of the Rohingya community; the measures that were taken by relevant authorities to solve the problem of food insecurity for the Rohingya community of the makeshift camp and to assure the availability of, and accessibility to, food for the population; the measures that were taken to guarantee that the population could benefit from food relief; the measures that were taken the Government to ensure that members of the Rohingya community had access to healthcare services, goods and facilities, given that their exclusion from such services would impair their enjoyment of the right to health.

Observation

16. The Special Rapporteur regrets that at the time of the finalization of the report, the Government has not transmitted any reply to his communication.

Honduras

Communication sent

17. El 5 de mayo de 2010, el Relator Especial sobre el derecho a la alimentación junto con el Relator Especial sobre vivienda adecuada como un elemento integrante del derecho a un nivel de vida adecuado enviaron una acción urgente al Gobierno de Honduras en relación con la supuesta situación de creciente violencia y represión en la zona del Bajo Aguán, en el Departamento de Colón, donde más de 3,200 familias de campesinos habían supuestamente sido amenazadas y hubieran podido resultar víctimas de desalojos forzosos.

18. De acuerdo con la información recibida, desde el 9 de abril de 2010 tropas militares y policiales se habrían movilizado masivamente en la zona del Bajo Aguán, amenazando en

forma directa a las 3.200 familias de esta zona. En la información recibida se expresaba temor que esta situación hubiera podido dar lugar a actos de represión y desalojos forzados contra los campesinos residentes en el Bajo Aguán. También se expresaba preocupación por la creciente violencia y represión contra miembros y grupos del Movimiento Unificado Campesino del Aguán (MUCA) y del Movimiento Campesino del Aguán (MCA).

19. En octubre del 2009, miembros del MUCA habrían tomado tierras en el Bajo Aguán. Dichas tierras formarían parte de una disputa sobre tenencia de la tierra entre grupos campesinos y los terratenientes de la zona. En tal sentido, el 17 de abril de 2010 el Gobierno de la Nación y representantes del MUCA firmaron un acuerdo que establece la entrega de 11 mil hectáreas de tierra a 28 Grupos Campesinos del MUCA. El 9 de abril de 2010, 2500 militares y policías fueron movilizados en la zona de Bajo Aguán, donde la MUCA aparentemente discutía las propuestas recibidas en torno a las negociaciones sobre las tierras en disputa. El 10 de abril, fuerzas militares y de la policía tomaron control de toda la zona, enviando efectivos militares y vehículos de combate y cortando el acceso a la cooperativa campesina La Confianza. El 11 de abril, la Cooperativa Guadalupe Carney fue tomada por las fuerzas militares y policiales. El 12 de abril, el acceso a todas las entradas y salidas al departamento de Colón fue bloqueadas, quedando bajo control de las fuerzas militares y policiales. El 13 de abril, la policía y los soldados habrían entrado en la cooperativa El Despertar y detenido a Ulises Laínez y Vicente Padilla, quienes fueron liberados luego de cuatro horas de detención. Los efectivos militares y policiales también habrían entrado en la comunidad de Río Claro, cercana a la cooperativa, aparentemente irrumpiendo en tres domicilios e intimidando a sus residentes, incluidos niños. Los hechos habrían ocurrido cuando estaba teniendo lugar la tercera reunión de negociación entre autoridades y campesinos, y fueron interpretados por los campesinos como instrumentos de presión para que acepten las propuestas antes mencionadas.

20. Según la información recibida, al momento de enviar la carta de alegación fuertes contingentes militares y policiales seguían concentrados en la zona. Asimismo, según la información recibida, desde hace tiempo en el norte del país comandos contratados por empresarios terratenientes estarían atacando a familias campesinas, quienes aparentemente no reciben protección alguna de las autoridades. Las alegaciones recibidas también informaban que cuatro miembros del MUCA habrían sido víctimas de violencia: el 17 de marzo, fueron asesinados José Antonio Cardoza y José Carías, directivos de la cooperativa Brisas de COHDEFOR, en Bonito Oriental; el 1 de abril, fue asesinado Miguel Alonso Oliva, por un guardia de seguridad de una de las plantaciones de palma africana en el Valle del Aguán; y el 7 de abril, José Leonel Álvarez Guerra, integrante de la Cooperativa La Confianza, fue asesinado por dos hombres en motocicleta, cuando llegaba a su casa en el barrio Manga Seca, en Tocoa, Colón. Asimismo, el 14 de marzo fue asesinado el periodista Nahúm Palacios, quien fue director del Canal 5 de televisión en el Aguán. Previamente, Palacios habría transmitido vasta información sobre el conflicto agrario en el Bajo Aguán, desvirtuando la campaña aparentemente emprendida para deslegitimar y criminalizar las luchas campesinas por la tierra en la zona.

Response received

21. En una carta de fecha 5 de julio de 2010, el Gobierno de Honduras puso a conocimiento de los Relatores que estaba pendiente de recibir un informe del Instituto Nacional Agrario en relación con la situación en la zona del Bajo Aguán. El Gobierno por este medio solicitó una prorroga para poder completar la información requerida.

Observation

22. El Relator Especial lamenta que en el momento de realizarse este informe no ha recibido ninguna ulterior comunicación del Gobierno.

India

Response received

23. By letter dated 7 April 2010, the Government of India replied to a communication sent on 19 October 2007 (see A/HRC/7/5/Add.1, para. 63), regarding several cases related to the right to food. According to the Government of India, regarding the allegations pertaining to Shankarpur village, an investigation had been carried out following which fresh ration cards were made available to the entitled families living below the poverty line. In addition, suitable action had been taken against the Fair Price Shop vendor who had been charging a price higher than the prescribed price.

24. Regarding the allegations pertaining to the Mahmoodpur area, the subject had not died because of malnutrition, but owing to an illness. Allegedly, the subject's family was not facing any problems of access to food. The subject's grandmother duly receives a pension that is deposited into her account.

25. Regarding the allegations pertaining to Asanahar village, all the entitled families living below the poverty line had ration cards and were getting grains, sugar and kerosene oil in prescribed amounts at prescribed prices. Furthermore, under the Government's employment welfare scheme, job cards were issued to all the 122 families according to their demand. Of the 166 registered labourers in these families, 119 were provided work on demand under the National Rural Employment Guarantee Act; the remaining 47 had not demanded work thus far. The village has five hand-pumps that are working properly and there were no reports of water contamination at any of these pumps.

26. Regarding the allegations pertaining to the Raitara Musahar area, according to the Government there were no complaints of malnutrition of any child in the locality. All 29 Musahar families had been provided job cards under the National Rural Employment Guarantee Act and had benefited from eight dwellings constructed under the Indira Awas Yojana. While four families opted for the widow pension scheme, 11 families opted for the old age pension scheme. The locality has two hand-pumps and an Anganwadi (child and mother care) centre.

Response received

27. By letter dated 30 June 2010, the Government of India replied to a communication sent on 2 December 2008 (see A/HRC/10/5/Add.1, para. 54), regarding the obstacles faced in the enjoyment of their right to food by those displaced and seeking refuge in the forests of Khammam district of Andhra Pradesh.

28. The communities from the southern districts of Chattisgarh traditionally migrated to the Khammam and Warangal districts of Andhra Pradesh, and were registered on voter lists and allocated ration cards that enabled them to access food, water, education, healthcare services, vaccination and other basic services. Since 2005, however, there had been an influx of migrants who settled deep within the forests, thereby making it difficult to reach them. The frequent shifting nature of these habitations had also made it difficult to assign them to a particular service provider. Nevertheless, endeavours were made by the district administration to identify such habitations and ensure that all displaced persons were issued, on a non-discriminatory basis, job cards under the National Rural Employment Guarantee Act scheme, as well as ration cards, on a priority basis. In addition, the Anganwadi Centre was to provide child nutritional support and clean drinking water. The Government stated that the matter had been taken up by the National Human Rights Commission and that a high-level team from the National Commission for the Protection of Child Rights had visited the concerned districts in December 2007 to assess and monitor the situation.

Response received

29. By letter dated 6 December 2010, the Government of India replied to a communication sent on 16 November 2009 (see A/HRC/13/33/Add.1, paras. 28–33), and assured the Special Rapporteur that the Government of India remained actively seized of the subject matter of the allegation and was taking all possible steps to comply with the directives of the Supreme Court on the matter.

Response received

30. By letter dated 11 December 2010, the Government of India replied to a communication sent on 2 December 2008 (see A/HRC/10/5/Add.1, para. 54), regarding the situation in some districts of southern Chhattisgarh.

31. Regarding the situation in Dantewada and Bijapur districts of southern Chattisgarh, according to the Government, about 50,929 people were living in 23 camps as of September 2009 (35,668 people in nine camps in Dantewada and 15,261 in 14 camps in Bijapur). With regard to food, 34,733 inhabitants of camps in Dantewada were provided free rations and the remaining 935 were being provided subsidized rations under the public distribution system. Furthermore, no family was asked to produce proof of identification for receipt of a ration card, and ration cards had been distributed to 3,713 families of the total 7,167 families residing in the nine camps. Similarly, in Bijapur 3,966 families had been provided a below-poverty-line card under which they could buy rice at a price of 2 INR per kg while another 2,104 families had been issued an antyodaya card under which they could buy rice at a price of 1 INR per kg. With regard to employment, 5,857 families had been registered and issued job cards under the National Rural Employment Guarantee Act in Dantewada camps. A total of 12,137 labourers were engaged in various work executed under the National Rural Employment Guarantee Act in the nine camps. In addition, the Government was providing support in the form of free cultivable land on a community-holding basis, tractors, trolleys and distribution of agricultural implements, hybrid seeds and quality fertilizers. Training in vocations like bamboo crafts, handloom weaving, bell-metal craft and terracotta works was also being given. The local government was in the process of finalizing the distribution of leases of forest plots in conformity with the Forest Dwellers Rights to Land Act. Similarly, in Bijapur all families living in the camps had been offered employment under the National Rural Employment Guarantee Act and 5,369 people provided job cards. In addition, the Government was facilitating recruitment and training in skills like carpentry, masonry and electrical works repair in 19 training centres. In both Dantewada and Bijapur, the Government had also provided for adequate security, apart from water supply, sanitation, electricity, play schools and health care.

Observation

32. The Special Rapporteur thanks the Government for the information received.

Lao People's Democratic Republic

Communication sent

33. On **12 February 2010**, the Special Rapporteur on the right to food, together with the Special Rapporteur on freedom of religion or belief, sent a joint allegation letter to the Government of Lao People's Democratic Republic regarding the situation of the members of 11 Christian families from Katin village of Ta-Oyl district in Saravan province.

34. According to the information received, on 10 January 2010, approximately 100 people – consisting of villagers and local officials, including the village chief, an official from the Lao Front for National Construction (LFNC), district police and village policemen

– disturbed the Sunday morning worship service of the Christian community in Katin village of Ta-Oyl district in Saravan province. With guns pointed at the worshippers' heads, these officials allegedly forced all members of the 11 Christian families present out of their place of worship to an open field in the village. Subsequently, the officials seized the personal belongings of these 11 Christian families from their homes and destroyed six of their homes. While they did not manage to persuade the Christians to renounce their faith, the officials forced the Christians to walk six km away from their homes and then left them on the side of the road. Unable to return to their home village due to police posted at the entrance of Katin village, the Christians, including women and 27 children, had to sleep on the ground in the woods with no food and shelter.

35. Around 18 January 2010, the Saravan provincial LFNC official, Mr. Khampuey, and the Ta-Oyl district official, Mr. Bounma, met with the members of the 11 Christian families and tried to persuade them to renounce their faith. The two officials argued that neither the 56 villages in Ta-Oyl district nor the officials wanted Christians to reside in the district. The Christians, however, confirmed their faith and emphasized that since they believe in God they no longer had to participate in any animal sacrifice as animist believers would do. The two officials then prohibited the members of the 11 Christian families from returning to their home village.

36. On 9 February 2010, the Deputy Head of Ta-Oyl District, Mr. Khammun, visited the field and directed the Christians to stop erecting temporary shelters and to sleep on the ground instead. It was also reported that the Katin village authorities had confiscated livestock of the Katin Christians in at least two occasions over the past year. The children of the Christians, who were still prevented from returning to their village, were reportedly starving for lack of food.

37. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs requested further information on whether or not a complaint had been lodged with regard to incidents in Katin village in January 2010; the details and results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this case; the measure that the Government implemented or envisaged implementing in order to protect the members of the Christian community in Katin village against any form of coercion which would impair their freedom to have or to adopt a religion or belief of their choice; the measures that the Government had implemented or envisaged implementing in order to ensure that access to food of the members of the Christian community of Katin was not impaired, and that access to food was not used as a coercive measure.

Observation

38. The Special Rapporteur regrets that at the time of the finalization of the report, the Government has not transmitted any reply to his communication.

Philippines

Response received

39. By letter dated **10 June 2010**, the Government of the Philippines replied to a communication sent on 17 June 2009 (see A/HRC/13/33/Add.1, para. 59), regarding threats to the right to food of communities living along the Tañon Strait in central Philippines, due to offshore oil and gas exploration activities.

40. According to the Government, the allegations are not true. The Department of Energy and JAPEX Phils had implemented an offshore oil and gas exploration drilling project from 15 November 2007 to 08 February 2008 in the Tañon Strait, particularly in the

Aloguinsan and Pinamungajan municipalities, which lies within the Tañon Strait Protected Seascape.

41. Regarding the environmental impact assessment, the Government gave assurances that the proponents of the project adhered to the stipulations provided under Presidential Decree 1586, or the Environmental Impact Statement System, which was being administered by the Department of Environment and Natural Resources. The Environmental Impact Statement System provides the legal and procedural framework for conducting environmental impact assessments for projects likely to have a significant environmental impact.

42. Regarding the mitigating measures and conditions set, the Government explained that a significant mitigating measure had been instituted to minimize the disturbance to marine mammals, which was to refrain from conducting oil exploration during the peak migration period of cetaceans (April to August). Hence, the project was conducted from November 2007 to early February 2008.

43. During the meeting of the Committee on Natural Resources on 10 September 2008 for the hearing of House Resolution Nos. 155 and 212 pertaining to the conduct of investigation on the approval of oil and gas exploration activities in Tañon Strait, the Department of Energy noted that before, during and after seismic surveys by JAPEX Phils, a marine mammal study was conducted. The study showed that the surveys did not affect the cetaceans. Likewise, the underwater sound during drilling operations were closely monitored and measured.

44. Regarding consultations with the local communities, the municipalities of Aloguinsan and Pinamungajan had been consulted on the project. Both municipalities had favourably endorsed the project through the passage of *Sangguniang Bayan* resolutions. The management board of the Tañon Strait Protected Seascape passed Resolution No. 2007-025 on 14 September 2007. One of the stipulations of the Resolution was to create a Multi-Partite Monitoring Team. The Aloguinsan and Pinamungajan municipalities, Silliman University, University of San Carlos, Cebu Provincial Fisherfolk Organization, Aloguinsan Fisherfolk Organization and the Pinamungajan Fisherfolk Organization were represented in the Multi-Partite Monitoring Team. The tasks of the Team included monitoring project compliance with the conditions stipulated in the ECC and facilitating a compensation agreement between the project proponent and the displaced fisherfolk, among others.

45. In terms of the economic loss of the fishing sector, the Multi-Partite Monitoring Team facilitated compensation for the displaced fisherfolk. Only 200 payaos of fisherfolk were removed prior to the seismic survey but the actual number of payaos compensated by the Department of Energy reached 451. The Department of Energy and JAPEX Phils provided financial assistance to the management board of the Tañon Strait Protected Seascape for its conservation and protection efforts.

46. Regarding the decline in fish catches, the Government acknowledged that the catch per unit declined in the area, but noted that this could not be attributed solely to the seismic survey in the area. Generally, the decline is a symptom of many complex problems. The following are the primary culprits: open-access regimes, over fishing, too many people dependent on fishing, destructive fishing practices, degradation of coastal habitats, pollution, and an overall lack of integrated planning and management of coastal resources. These factors, either alone or in combination, continue to degrade coastal resources and, thus, decrease fish catches, resulting in severe poverty of coastal inhabitants throughout the country.

47. Regarding the shift in economic activities, while the cause for the shift in economic activities of the affected communities may have been brought about by the offshore oil and

gas project – from fishing to cab driving or working in a construction firm – this has yet to be proven. However, the Department of Environment and Natural Resources is encouraging coastal communities to adopt alternative livelihoods to lessen the pressure on fishing.

48. Regarding various foreign oil and gas exploration contracts of the Department of Energy, exploration drilling had been conducted in the Visayan Basin from 1896 by Smith Bell and Company. Since then, a total of 224 exploration wells (offshore and onshore) have been drilled and, from 1973 to present, 15 offshore wells were drilled in the area. These were undertaken long before the proclamation of the Tañon Strait Protected Seascape in 1998. There have been only two offshore oil exploration drilling projects undertaken in the the Tañon Strait Protected Seascape. Maintaining the ecological integrity of an area is always the prime consideration of the Government, particularly for areas proclaimed under the National Integrated Protected Areas System of the Department of Environment and Natural Resources. The Philippines adheres to the balance between economic development and environmental protection. Prior to the approval of the offshore oil and gas exploration drilling project in Tañon Strait, due diligence was conducted and precautionary measures were considered.

Observation

49. The Special Rapporteur thanks the Government for the information received.
