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Chair: Mr. Abdel-Moneim

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The meeting was called to order at 3 p.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights *(continued)*

Day of general discussion on economic, social and cultural rights and sustainable development (continued)

Panel 3: Links between sustainable development and the right to development, labour standards and poverty

1. **Mr. de Meyer** (Panellist, International Labour Organization) said that all work, including unpaid work, was the main channel for human expression, sustenance and accomplishment. It was therefore essential that States and businesses respected the right of all persons to work, including their rights to freedom, dignity and decent work. The importance of human rights and international labour standards to achieving sustainable development and combating current crises had been recognized within the United Nations system, as had the need for their improved integration into cooperation frameworks.
2. There were therefore a number of areas in which the Committee could provide guidance on the topic. Firstly, international labour standards should be reaffirmed as expressions of economic, social and cultural rights. Those standards also served as the normative foundations for all of the Sustainable Development Goals; to overcome hunger and achieve food security, for example, the rights of small-scale food producers, farmers and fishers needed to be protected.
3. Secondly, in both national and international efforts, focus tended to be placed on the most recent international labour standards and on the standards specific to certain groups or thematic areas. To achieve inclusive and sustainable development, however, a balanced approach was needed in which attention was also given to the standards applicable to labour market institutions, including employer–employee associations, labour inspection agencies, public employment services and social security systems.
4. Thirdly, if a successful transition to environmental sustainability was to be achieved, economic and social rights must be protected. Although the green economy had the potential to create many decent jobs, it would require a coordinated employment policy that guaranteed workers’ rights, social protection and social dialogue.
5. Fourthly, normative guidelines on work must be kept up to date with modern challenges, notably climate change, technological developments, demographic change and globalization. To that end, the International Labour Organization (ILO) was reviewing and revising existing standards and promoting the ratification of newer ones, especially in the areas of social security and safe and healthy working conditions. At the same time, it was also identifying new areas for which standards needed to be developed, such as the quality of apprenticeships, decent work in the platform economy and throughout supply chains, the protection of whistle-blowers and of workers’ personal data, and access to justice. In that connection too, interest needed to be generated in applying some of the older standards that governed labour market institutions.
6. Fifthly, States needed to embrace partnerships with the United Nations, the private sector and multilateral development banks to ensure that human rights and international labour standards were respected. Lastly, the interdependent and indivisible nature of human rights needed to be recognized if sustainable development was to be achieved, especially given the global rise in restrictions on civil liberties and freedoms and in assaults on the rule of law.
7. **Mr. Kanade** (Panellist, Expert Mechanism on the Right to Development) said that, while the concept of sustainable development had not yet been fully established at the time of adopting the Declaration on the Right to Development, it had not taken long for the symbiotic relationship between the right to development and the right to sustainable development to be acknowledged in other international instruments. Development could be sustainable only where it was treated as a human right, and the right to development could be realized only where development was sustainable. He hoped that, in its general comment,

the Committee would shine a spotlight on the mutually dependent and reinforcing relationship between economic, social and cultural rights and sustainable development. It could further elaborate on the concept by incorporating an understanding of development as a human right, rather than as a political imperative.

8. Development was a self-standing right belonging to all individuals and peoples, who must be able to determine their own priorities. In deciding how to implement the Sustainable Development Goals at national level, States had a duty to ensure the free, active and meaningful participation of all holders of the right to development.

9. Under the framework of development as a right, attention must be given not only to what was achieved, but also how it was achieved: development must not come at the expense of other rights. The framework therefore ensured that States' development agendas supported economic, social and cultural rights.

10. States' duties regarding the right to development were threefold: to uphold the right to development within their jurisdiction, to refrain from actions that had an adverse impact on the right to development of persons outside their jurisdiction, and to establish regional and international partnerships to foster the right to development. If they failed to uphold any one of those duties, it would be impossible to establish a mutually reinforcing relationship between sustainable development and economic, social and cultural rights.

11. The normative framework of the right to development was founded on States' duty to cooperate at international level, as recognized in the Declaration and in the Committee's general comment No. 3 (1990). That duty extended to all dimensions of national and international law, policy and practice and included the obligation to eliminate existing obstacles to sustainable development, prevent the creation of new obstacles and foster policies to promote the right to development for all. States also had a duty to seek international cooperation where they lacked the capacity or resources to pursue development on their own.

12. Sustainable development – in particular the means of implementation targets contained in the 2030 Agenda – could not be achieved in the absence of international cooperation. It was important, however, that such cooperation was seen as a duty, rather than as a form of charity. Understanding and treating development as a human right and recognizing the duty of States to cooperate with others was key to ensuring the sustainability of development and harnessing its linkages with economic, social and cultural rights.

13. **Mr. De Schutter** (Panellist, Special Rapporteur on extreme poverty and human rights) said that there was a presumption that efforts to uphold the rights set out in the Covenant and efforts to ensure sustainable development were inherently at odds. It was assumed that investment in greening the economy would leave fewer resources for other public services, that combating poverty would lead to greater consumption and that economic growth measures aimed at raising funds for public services would make the transition to a post-growth economy more difficult.

14. Such an assumption was incorrect, however. Sustainable Development Goal 1, on ending poverty in all its forms everywhere, was fully consistent with – and even contributed to – Goal 12, on ensuring sustainable consumption and production patterns, and Goal 13, on taking urgent action to combat climate change and its impacts. The rights set out in the Covenant helped define how the economic, social and environmental pillars of sustainable development could be best reconciled.

15. Firstly, the human rights-based perspective of development dictated that priority should be given to the most vulnerable populations. On that basis, further efforts should be made to achieve sustainable development, as persons living in poverty were the most affected by climate change and the loss of biodiversity, since they were so heavily reliant on the local ecosystem and therefore exposed to natural disasters.

16. Secondly, sustainable development should be taken into account in efforts to realize Covenant rights by prioritizing universal basic services and public goods rather than increased private consumption. To that end, in his interim report (A/75/181/Rev.1) presented to the General Assembly in October 2020, he had identified a number of “triple-dividend” actions, such as investment in public transport and the refurbishment of buildings, that would

help protect the environment while simultaneously creating decent jobs for people with low levels of education and ensuring the affordability of essential goods and services for those on low incomes.

17. An additional way to reconcile Covenant rights with sustainable development was through the reduction of inequalities. In more equal societies, the benefits of any growth in gross domestic product would be more equitably shared among the population, meaning that less growth would be required to combat poverty. Resources would be allocated more efficiently, focusing less on satisfying the desires of the rich and more on meeting the needs of people living in poverty, and consumption would primarily be driven by the goal of ensuring decent livelihoods. Accordingly, there was no need to choose between saving the planet and overcoming poverty; the two were mutually reinforcing and part of the same transformative agenda.

18. **Ms. Saran** said that she would welcome Mr. Kanade's comments on how economic, cultural and environmental rights could be reconciled and how the Covenant was interpreted in relation to the right to development.

19. **Mr. Abashidze**, noting that the general comment should be a far-reaching document that would remain relevant long into the future, said that he was concerned that the notion of sustainable development was too narrow to cover all of the challenges relating to economic, social and cultural rights that the Committee sought to address.

20. **Ms. Bueno de Mesquita** (University of Essex) said that while countries in the global North were responsible for 92 per cent of greenhouse gas emissions, 75 per cent of global warming-induced costs fell on countries in the global South. Although all countries had a duty to develop sustainably, it would be useful for the general comment to acknowledge that certain countries had historical responsibility for the current crisis.

21. **Mr. Windfuhr** said that he would like to know to what extent the second revised text of the draft convention on the right to development and the efforts of the Working Group on the Right to Development had taken into account the fact that international cooperation could also be harmful.

22. It had been reported that, the previous year, the fossil fuel industry had recorded a profit of \$230 billion, yet the goal to mobilize \$100 billion for the Green Climate Fund had never been achieved. He wondered how that situation, which saw companies earning vast amounts of money while needs elsewhere continued to go unmet, could be addressed.

23. The transition towards sustainable development would adversely affect certain industries; he would like to know how that transition could be managed in order to mitigate that effect.

24. **Mr. Fiori Vaesken** said that it was important to disseminate the message that overcoming poverty and protecting the environment were compatible. Unsustainable practices often perpetuated or exacerbated poverty, and lack of access to a healthy and sustainable environment was considered a form of multidimensional poverty, which, according to the Global Multidimensional Poverty Index report of the United Nations Development Programme, affected 1.2 billion people.

25. **Ms. Suárez Franco** (FIAN International), noting comments on the negative impact of agro-industrial food systems and the use of agrochemicals on food and rural workers, said that the transition to agroecology should be included in the general comment as it was an important part of efforts to preserve the rights of food and rural workers and prevent their further impoverishment.

26. Furthermore, it would be useful to incorporate terminology such as "intragenerational equity" and "common but differentiated responsibilities" to reflect the discussions that had taken place during the consultations on the general comment.

27. The impact of new technologies and digitalization on workers was an important matter and one that had been addressed the previous year at a meeting of the labour and employment ministers of the Group of Seven. It was crucial for States to fulfil their duty to protect those who were unable to keep pace with the rapid development of technology and were therefore at risk of losing their jobs.

28. **Ms. Lee** said that, following the publication, in December 2022, of a report by ILO on the future of work in the oil and gas industry, it would be useful for that Organization to develop labour standards or recommendations addressing the matter of workers who were likely to be adversely affected by the transition to sustainable development. Such standards or recommendations could subsequently be incorporated into the work of the Committee.

29. **Mr. Kanade** (Panellist, Expert Mechanism on the Right to Development) said that development had first been defined in the 1986 Declaration on the Right to Development as a process aiming at the “constant improvement of the well-being of the entire population” and had not emerged as an economic concept until 1998. Accordingly, there should be no tension between the right to development and environmental rights from a theoretical perspective.

30. From a practical standpoint, States’ policy space was an essential component of the right to development. The second revised text of the draft convention on the right to development therefore contained provisions on specific and remedial measures that were geared towards vulnerable States that had faced historical injustices. Such measures included the recognition of common but differentiated responsibilities and the provision of special and differential treatment.

31. It had been found that international cooperation was often harmful when conditionalities were attached to it, as occurred within the International Monetary Fund and the World Bank. The same applied to bilateral aid, North-South cooperation and even South-South cooperation, which could undermine the right to development.

32. A recent visit to Africa had revealed the degree of concern on the continent about the impact of climate change discussions. Africa contributed just 3.8 per cent of global emissions, yet the limited financing it received was mostly directed towards climate change mitigation rather than adaptation. The obligation to mitigate that small contribution was having an impact on the right to development and the ability of African countries to survive as economies. Moreover, mitigation technologies were often sold to them by developed countries on the basis of loans to be repaid with interest.

33. Sustainable development was a concept that evolved with the times. While the 2030 Agenda for Sustainable Development was time-bound, that was not the case for the comprehensive normative framework provided by the right to development. It was that framework that would help ensure that efforts to achieve sustainable development complied with human rights standards and promoted economic, social and cultural rights.

34. **Mr. de Meyer** (Panellist, International Labour Organization) said that ILO had established guidelines for a just transition in 2015, and the matter had been placed on the agenda of the International Labour Conference to be held in June 2023. One possible outcome was a standard-setting initiative, which would cover aspects such as the protection of jobs and rights, social protection and social dialogue. There was significant consensus in ILO that institutions for social dialogue needed to be strengthened to ensure the success of the transition; the ability of workers in the green economy to organize was a particular issue that would require addressing. Social protection would also be key, especially for older workers who would struggle to reskill, and international cooperation in that area was needed.

35. **Mr. De Schutter** (Panellist, Special Rapporteur on extreme poverty and human rights) said that, under the Paris Agreement, States had pledged to support workers affected by the transition to low-carbon societies, and it was important to ensure a just transition by guaranteeing them access to social protection mechanisms and strengthening social dialogue. However, the transition would also bring opportunities to enhance economic, social and cultural rights. Firstly, investment in emerging sectors, reskilling programmes and training would create new economic opportunities for those currently employed in carbon-intensive industries, who tended to be low-skilled workers. Secondly, the transition could offer a chance to create a more inclusive world of work by closing the gender gap and including persons with disabilities in design and decision-making processes.

36. Climate change mitigation measures would have an impact not only on the labour market but also on households. It was expected that such measures would lead to rises in the cost of consumer goods and services, energy, food, housing production and transport.

Accordingly, efforts to decarbonize society needed to take into account the potential impact on the entire population, particularly low-income households.

37. In his report on banning discrimination on grounds of socioeconomic disadvantage (A/77/157), presented during the seventy-seventh session of the General Assembly, he had identified the tools that were available to Governments to help them ensure that any measures adopted as part of the transition to a green economy would not exacerbate inequalities. Such tools were provided under the Covenant and should be an important part of the general comment.

38. **Mr. Abashidze** said that, in order to better reflect a number of key United Nations texts, and particularly the reference in the Covenant to the progressive realization of rights, it would be useful to incorporate the term “progressive” into the title of the general comment so that it would read “progressive sustainable development”.

39. **The Chair** said that while the rights and obligations under the Covenant could be strengthened and bolstered, they could not be toned down. It was imperative for those rights to be fully implemented as they appeared in articles 1 to 15 of the Covenant.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

Panel 4: Implications of sustainable development on Covenant rights

40. **Ms. Xanthaki** (Panellist, Special Rapporteur in the field of cultural rights), speaking via video link, said that, although the role of culture as an enabler and driver of sustainable development had been acknowledged in several General Assembly resolutions, cultural rights still received far less attention than economic and social rights. That situation needed to be rectified for two reasons. Firstly, the Committee was the only human rights treaty body that was in a position to address cultural rights violations in sustainable development in a comprehensive and coordinated way. Cultural rights would suffer immensely if the Committee did not place as much importance on them as on economic and social rights. Secondly, cultural rights suffered on a continual basis in the name of sustainable development, owing to a degree of confusion or a lack of engagement by States with regard to the position occupied by those rights in the sustainable development debate. The Committee’s occasional efforts to engage with cultural rights violations and sustainable development processes tended to be limited in scope and mainly concerned the rights of specific groups, such as Indigenous communities. That needed to change in order to protect the right of everyone to participate in cultural life.

41. More generally, the sustainable development debate as a whole needed to be reframed, with cultural rights and cultural development occupying a position more reflective of their fundamental role in that area. The Committee could consider the various perspectives of all individuals and groups within a State to be an aspect of cultural rights. The link between colonialism and sustainable development was also a matter of cultural rights.

42. The general comment needed to address violations of cultural rights in sustainable development, which stemmed from the tendency of States and international financial organizations to favour economic benefit to the detriment of culture. It should also include the need for indicators and data regarding the violation of cultural rights in development projects. Such information was currently largely lacking. With respect to the three pillars of sustainable development, an additional fourth pillar of cultural development, based on existing standards of international law, would address an imbalance in sustainable development that ignored cultural rights. The importance of resources from the culture sector in sustainable development activities and priorities also needed to be reflected.

43. International governance bodies in the trade and finance fields did not demonstrate a strong understanding of cultural rights, even though projects in those areas had a major impact on such rights. Greater consideration needed to be given to a wider range of perspectives, and effective participatory structures created to address the issues involved.

44. Where technology was concerned, it was important to promote not only access but also participation.

45. **Mr. Fakhri** (Panellist, Special Rapporteur on the right to food), speaking via video link, said that he wished to highlight that the right to food was explicitly linked to notions of sustainable development. Together with the right to a healthy environment, it provided a strong framework for discussions about broader human rights and sustainable development.

46. Agricultural policy over the previous 80 years had led to the development of two related dynamics. Firstly, developing countries had focused their policies on trying to shift their economies away from a reliance on agriculture as they made efforts to become industrialized. Secondly, in the 1960s, countries all over the world had started to industrialize the way they farmed. Although that had boosted food production in the short term, it had subsequently become apparent that industrial agriculture was not sustainable.

47. A third dynamic had developed when the Covenant had been adopted in 1966. Specifically, article 11 (2) recognized the fundamental right of everyone to be free from hunger, framing the issue in terms of freedom and giving that right a specific meaning. The Food and Agriculture Organization of the United Nations, which had primarily been a development institution up to that point, had amended its Constitution accordingly to include a commitment to ensuring humanity was free from hunger. As a result, ever since the mid-1960s, the right to food had been an economic, social and cultural right inherently linked to development.

48. There continued to be a strong bias in favour of industrializing agricultural production, as well as a growing trend since the 1990s to turn food into a financial instrument. More recently still, the coronavirus disease (COVID-19) pandemic and the food crisis had seen countries allocate more support to local food production, in a major policy shift compared to the previous 80 years. However, profound differences remained over what sustainable development meant in the context of ensuring that humanity was free from hunger. That made the Committee's work on the general comment incredibly important in the context of the right to food.

49. The Food and Agriculture Organization had adopted the Guidelines on the Right to Food in 2004, marking the first time that an economic, social and cultural right had been enumerated in detail in such a policy instrument. However, many changes concerning the right to food had taken place since then in relation to the rights of persons with disabilities, rural women, peasants, Indigenous Peoples and workers. There had been policy advancements connecting the right to food with agroecology, and political advancements connecting that right to food sovereignty. Moreover, the COVID-19 pandemic had increased awareness about the essential role of local producers and workers, the importance of how food connected people to each other and to nature, and how food system transformation was necessary to mitigate and adapt to climate change.

50. More generally, what had arisen from normative developments over the years was a definition of sustainable development that focused on relationships between people, as well as with future generations and with non-human life. What was at stake where food was concerned was life itself and humanity's relationship with forces it could not control.

51. **Mr. Boyd** (Panellist, Special Rapporteur on human rights and the environment), speaking via video link, said that, despite decades of economic growth, sustainable development was not being achieved and most people's needs were not being met. Poverty, hunger, illness and inequality were rife, and the planet faced an environmental crisis.

52. The right to a clean, healthy and sustainable environment was not explicitly enshrined in the wording of the Covenant. However, it could be argued that it was implicit in rights that were explicitly included, as was the case with the right to water, which was covered by general comment No. 15 (2002). Articles 11 and 12 of the Covenant, along with general comments No. 14 (2000) and No. 26 (2022), provided particularly strong support to that notion. The right to a clean, healthy and sustainable environment had recently been recognized in resolutions adopted by the Human Rights Council and the General Assembly. In total, 156 States recognized the right to a healthy environment in their legislation.

53. The right to a healthy environment comprised two aspects, namely substantive elements and procedural rights. The former could be broken down into clean air, safe and sufficient water, healthy and sustainably produced food, non-toxic environments where

people could live, work, learn and play, healthy ecosystems and biodiversity and a safe climate. The latter included information, public participation in decision-making and access to justice with effective remedies.

54. The right to a healthy environment was a catalyst for action to achieve sustainable development and enabled people to hold Governments accountable. It required States to shift from fossil fuels to renewable energy, improve air and water quality, eliminate the use of toxic chemicals, shift towards regenerative food production systems based on agroecological principles, stop deforestation, conserve, protect and restore biodiversity, and address the environmental drivers of zoonotic disease outbreaks. The climate and environmental crises were imposing disproportionate impacts on people in situations of vulnerability. The fundamental human rights obligation of non-discrimination compelled States to prioritize climate and environmental injustices. Sacrifice zones, the antithesis of sustainable development, were an area of particular urgency.

55. Sustainable development was a goal that humanity's common future on the planet required. It was also a process through which human needs had to be reconciled with ecological constraints, and a right that derived from combining the right to development with the right to a clean, healthy and sustainable environment.

56. The general comment on sustainable development was critically important. It needed to be clarified to States that commitments to pursue sustainable development were not merely political pledges but legally binding obligations.

57. **Ms. Morgera** (One Ocean Hub), speaking via video link, said that her organization had conducted work on the human rights impact of blue-economy and sustainable development activities. The results had shown how engaging in art-based approaches and different cultural activities could allow different knowledge-holders to have their world views recognized and help shape a shared vision of sustainable development, upsetting existing power systems which usually did not allow such persons to participate meaningfully in decision-making processes. It was important to provide a general opportunity for everyone to learn, to support the right to play and to fulfil the right to be heard.

58. The protection of cultural rights also opened up a generative space for co-developing not only knowledge, including climate and environmental science, but also technologies and mutual capacity-building that could help address the root causes of unsustainable and inequitable development, including colonial legacies and the imposition of certain world views.

59. As part of the Committee's work, evidence should be collected on good or promising practices where engagement with art-based approaches and multicultural dialogues had allowed apparently irreconcilable differences and opposing agendas to be overcome through the creation of a generative space.

60. **Ms. Giri** (Asia Pacific Forum on Women, Law and Development), speaking via video link, said that she would like to know how women's rights to food, a clean and healthy environment, health care and education, housing and safe communities could be ensured against a backdrop of austerity measures, economic insecurity and increasing privatization, which were making access to such rights ever more expensive.

61. **Ms. Yuan** (Equality), speaking via video link, said that unequal gender systems oppressed women in the name of cultural traditions, denying the contribution of women's knowledge and women's experience to culture, legitimizing gender-based violence and denying cultural rights to women. She would like to know how those issues could be addressed, including in cases where traditional cultural practices were considered harmful under gender laws. It would also be interesting to know what changes could be made in order to combat the trend of women being more likely to work in the informal and unpaid sectors.

62. With regard to the contribution and sacrifice made by women in rural areas, including the feminization of agriculture, issues relating to women's land tenure rights and homestead issues, what could be done to ensure that women enjoyed adequate standards of living?

63. **Ms. Saran** said that she was grateful to the Special Rapporteur in the field of cultural rights for recalling the indivisibility and interdependence of rights, not only across the two

major human rights covenants but also within the Covenant on Economic, Social and Cultural Rights itself. She wished to reassure the Special Rapporteur that the Committee always addressed cultural rights along with economic and social rights in its dialogues with States parties. Cultural rights were very much part of its world view.

64. With regard to women's rights, she noted that women were also traditionally the major curators of culture and language in any society, a fact that also tied in directly with the rights to freedom of expression and freedom of speech.

65. In that context, and with reference to the Special Rapporteur's point that financial institutions did not prioritize human rights, it was precisely the right to freedom of expression as enjoyed in liberal societies that had made possible the emergence of cultural enterprises such as the film industry and economic expressions of folk art. She wondered why it was not possible to link economic rights with cultural rights or cultural expression.

66. **Mr. Windfuhr** asked the panellists to advise the Committee on the kind of language it might use in the general comment in order to move away from economic concepts of development. He would welcome suggestions on ways of discussing, for example, the costs of development, such as the loss of a landscape or the pollution of a river. Such costs were often seen by economists as "external costs" to be factored in at some later stage in a project, yet they were in fact very difficult to calculate.

67. **Ms. Rossi** said that she would appreciate more detail on the alternative model of agriculture referred to by the Special Rapporteur on the right to food. She asked the Special Rapporteur on human rights and the environment to comment on the role debt forgiveness might play in enabling developing countries to adapt by moving towards renewable energy.

68. **Ms. Xanthaki** (Panellist, Special Rapporteur in the field of cultural rights) said that what was important in the development of knowledge was the gathering of evidence and effective participation. Participation in the development of structures and of knowledge that would help with the formulation of visions and priorities was particularly important.

69. The application of cultural rights standards was a way of empowering women and giving them the tools to make informed choices. By moving away from stereotypes, for example, it was possible to ensure that women were present and informed in debates and took part from start to finish. Many women's collectives had indeed moved beyond stereotyping – such as their automatic association with handicrafts and care work – and had achieved wonderful results. A community's values should not be seen as static but as constantly evolving, in part through women's actions and with the support of the international community.

70. With regard to financial instruments and the financial sector, it was shocking to see the lengths that international organizations would go to in order to avoid or curb discussion of issues relating to sustainable development. The question of the extent to which they were bound by human rights obligations and United Nations standards was admittedly complicated, but it had become a smoke screen that allowed them to blatantly violate cultural rights and ignore alternative visions of development, creating one-size-fits-all models. It therefore made no sense to target businesses without also challenging those organizations to participate in the discussions. There had been some positive developments, such as the Environmental and Social Framework designed by the World Bank, the goals of which looked very similar to human rights goals, but such work was done in a rather opaque way, without consultation with the United Nations human rights treaty bodies.

71. While it was true that the culture sector contributed to the economy, those involved in that sector reported that it was often more a matter of exploitation, which in reality undermined their potential for real contributions to discussions on rights of various kinds. It was important to help States understand that they needed to tap into such resources and make use of them. Cultural rights were the glue binding the past, the present and the future; without them, the future became much poorer.

72. **Mr. Fakhri** (Panellist, Special Rapporteur on the right to food) said that an interpretation of article 11 (2) of the Covenant in the light of agroecology and food sovereignty could be based on an expansion of each of the five main points contained in that subparagraph. To the requirement of international cooperation, for example, he would add a

reference to solidarity and reciprocity, while improvement of methods of food production and conservation could include a reference to enhancing cultural and biological diversity and food systems. The notion of the full use of technical and scientific knowledge could be expanded by referring to a holistic connection between traditional and Indigenous knowledge and scientific knowledge, focusing on agroecology. The idea of the efficient utilization of natural resources to develop agrarian systems could be interpreted with reference to the reform of food systems to ensure that food was available and accessible on an equitable basis; and to the enforcement of labour rights. Lastly, in relation to trade policies that took account of the needs of both food-importing and food-exporting countries, he would make trade an equitable matter of food sovereignty and labour rights, with a commitment to fair and stable markets.

73. He agreed that the economists' concept of costs was very narrow. A greater emphasis on the notion of value could be more productive. However, economists' use of the concept of value was also frustrating, since they tended to speak of trade-offs based on a calculation of the cost of each possible choice and the assumption that only one choice was possible. Using the language of value in its broadest sense, on the other hand, opened up a social, political and cultural debate, one that made sense to people in their lives: the choice that was made would then reflect the values of society.

74. With regard to women's rights, he was finding the language of empowerment less and less useful. It was true that women and girls shouldered a disproportionate burden in food systems: they were often the keepers of seeds and knowledge, the ones who fed families and the ones who fed others before they fed themselves. However, that implied that they already had power, which meant that the question was not so much how to obtain access to existing wealth and resources, although access was also important, but more one of how to organize and express that power and to transform the system that diminished their power in the first place. Violence was often the cause of such disempowerment and inequality; his forthcoming report dealt with violence in food systems.

75. **Mr. Boyd** (Panellist, Special Rapporteur on human rights and the environment) said that in his forthcoming report, he discussed women, girls and the right to a clean, healthy and sustainable environment. Dismantling the systems, norms and biases that resulted in systemic discrimination and implementing a human rights-based approach to climate and environmental action would benefit not only women and girls, but everyone.

76. One of the most important issues that the Committee needed to tackle in the general comment was that of financial instruments. There were more than 2,000 international investment treaties that prioritized the rights of foreign investors over human rights and the environment. None of the treaties referred to human rights or mentioned the right to a healthy environment. In the course of the transition away from fossil fuels, States had to date been forced to pay more than \$100 billion in compensation to extractive industry companies and, as the pace of transition accelerated, would face liabilities potentially amounting to trillions of dollars. Moreover, the threat of investor lawsuits had also frozen States' climate action such as proposals to limit offshore oil and gas development.

77. With regard to debt relief in the context of climate mitigation and adaptation, he said that some countries already spent 50 per cent of their budget on debt service. Devastating climate events inflicted damage that was often many times the annual gross domestic product of those countries. In order to rebuild, they were obliged to borrow more, at commercial rates. Sustainable development therefore required a major debt relief initiative for the highly indebted poor countries, as well as other steps to transform a global economic system that was clearly not serving the vast majority of people.

78. It was important to remember that, as well as the cost increases the energy transition might inflict, as described by the Special Rapporteur on extreme poverty and human rights, there might also be reductions. Solar energy, for example, could generate electricity at a fraction of the cost incurred by fossil fuels, as well as reducing greenhouse gas emissions and air pollution.

79. **Ms. Ahmasuk** (Indigenous Environmental Network) said that 2023 marked the centenary of the first visit to Geneva by an Indigenous person, a Haudenosaunee from the United States of America. The "seventh generation principle" from Haudenosaunee

epistemologies, namely the concept of responsibility seven generations forward and seven generations back, was one that deserved both respect and recognition in the current discussion, capturing as it did both the rights of children and accountability for loss and damage.

80. Given that the major component of economic development was also the root of greenhouse gas emissions and that the requirements of sustainable development were not being met, she would like to know why the concept of development still focused on economic growth. Climate science and Indigenous knowledge and lifeways must inform the search for alternative means of building an economy. Indigenous knowledge could also be a guide to transformative thinking about economic, social and cultural rights.

81. **Mr. Windfuhr**, summarizing the lessons learned from the day of general discussion, said that the regional consultations had revealed the speed with which economic development was destroying forests, for example, while the children's consultations had identified difficulties in access to education on climate change.

82. Points arising from the panel discussions had included the importance of seeing the Covenant as a living document and understanding that rights such as the right to food evolved over time. Reflection was needed on key concepts such as the definition of sustainable development as meeting the needs of current generations without infringing on those of future generations; planetary boundaries; and the need for caps on consumption in order to ensure the full implementation of the Covenant.

83. The Committee had also heard suggestions for the design of a just transition. It was necessary, for instance, to challenge the notion of development as growth, perhaps seeing development rather as freedom instead. The gender perspective had emerged as a major theme in all the panels. Space to allow cultural expression and participation by all affected groups; the ensuring of access to technology, science and training for those who might lose out in the transition to a green economy; and universal social protection to ensure that no one was left behind were all matters that would need consideration. The panels had also highlighted the notions of common but differentiated responsibility and of extraterritorial obligations, as well as the problems of debt and investment. It would be important to take a more systematic approach to cultural rights, seeing culture as part of the solution, and to discuss the right to a clean, healthy and safe environment.

84. The Committee's hope was to produce a draft of the general comment for a first reading at its seventy-fourth session and then obtain feedback in time for a second reading at the seventy-fifth session in early 2024.

85. **The Chair** said that he wished to recall that the purpose of a general comment was to enhance the implementation and interpretation of the Covenant. However, any given comment had to take due account of the whole set of existing general comments. It was also important to review the Committee's concluding observations, which were an essential source of input for general comments.

86. In his view the Committee faced three main challenges in its work on sustainable development. Firstly, climate change was already affecting the notion of maximum available resources; it might be necessary to speak only of "available resources". In addition, scarcity could have many consequences such as conflict, but it might also ultimately impinge on States' ability to fund economic, social and cultural rights. Secondly, the international economic system was not helping the fulfilment of sustainable development goals; indeed, it appeared to be moving in quite the opposite direction. Thirdly, in drafting the comment, it would be important to establish a methodology for isolating the most immediate issues and addressing them as a matter of priority.

The meeting rose at 6.05 p.m.