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Chair: Mr. Abdel-Moneim

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The meeting was called to order at 10.10 a.m.

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

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

1. **The Chair** said that the Committee's general comments contributed to the advancement of Covenant rights through the authoritative guidance that they contained. A general comment on economic, social and cultural rights and sustainable development was most timely in light of the increasing global focus on sustainable development. The day of general discussion would be structured around four panels, each of which would be followed by a question-and-answer session.
2. **Mr. Windfuhr**, introducing the discussion, said that the Committee had previously issued a statement on economic, social and cultural rights and the Sustainable Development Goals (E/C.12/2019/1), in which it had called on the whole international community to focus on human rights and to use economic, social and cultural rights as the cornerstone of the implementation of each of the 17 Goals. However, the Committee had realized that, at a time when the environment was suffering from the impact of the triple crisis of climate change, biodiversity loss and pollution, thought had to be given to what that situation would mean for the future enjoyment of the rights protected by the Covenant and how States parties could still progressively realize those rights in a world that was facing "planetary boundaries".
3. To lay the groundwork for the drafting process, five regional consultations had been held, along with three consultations with young people and an expert consultation in Geneva. The Committee would draft and discuss the general comment in the autumn of 2023 and the public would then be consulted, with a view to adopting the draft text in the spring of 2024. The four panels organized for the day of general discussion would examine specific aspects of the topic, namely key conceptual issues, situations where unsustainable development was having an adverse impact on particular groups of persons, links with issues such as the right to development or the fight against extreme poverty, and advice on how to interpret rights under the Covenant.
4. **Ms. Donald** (German Institute for Human Rights), summing up the key themes identified earlier in the process, said that the participants of the consultations had presented numerous recommendations.
5. Participants had considered that the general comment should examine the current conceptualization of development. The latter should be understood to be about people and not limited to economic growth. People must be given the opportunity to determine what development meant for them. Indigenous Peoples had their own notions of development which often centred on harmony with nature rather than economic growth. The Committee should consider whether culturally differentiated models of development were needed. Thresholds must be established for equitable development so that some countries did not achieve development at the expense of others.
6. The Committee must use a gender perspective to realize women's right to development and ensure that they played an active role. Participants had stressed the need to take account of the fact that the burden of unpaid care work by women had been exacerbated by the coronavirus disease (COVID-19) pandemic. The elimination of discrimination and the achievement of gender balance were critical. The empowerment of women promoted economic growth and sustainability. Ensuring that women owned and controlled agricultural assets and productive resources was considered crucial to food security and sustainable livelihoods.
7. Emphasis should be placed on the free, prior and informed consent of Indigenous Peoples, as well as of non-Indigenous local communities who faced threats related to environmental degradation. Communities should be regarded as partners in sustainable development and not merely beneficiaries. The participation of marginalized population groups in decision-making and monitoring processes was of critical importance. Participants had expressed the view that the general comment should affirm that human rights were

universal, indivisible, interdependent and interrelated. Economic, social and cultural rights must be linked to civil and political rights because the latter were crucial to accountability and the protection of environmental and human rights defenders. Economic, social and cultural rights could be impaired by environmental damage resulting from a lack of information and participation in decision-making and a lack of access to justice.

8. The Committee had been asked to elaborate on States' extraterritorial obligations and their responsibility in the context of climate change. It must be recognized that extraterritorial obligations arose in relation to activities that caused harm to the global commons. The Committee was expected to include strong recommendations on climate change and nationally determined contributions and to emphasize that the latter should be linked to economic, social and cultural rights. It should clarify that countries with greater responsibility for greenhouse gas emissions should not be permitted to invoke maximum available resources to justify growth strategies that failed to counter climate change. A duty to decarbonize or to mitigate climate change should be tantamount to a human rights obligation, because it was essential for the protection of rights enshrined in the Covenant. The participants expected the general comment to affirm the need for strong, urgent action on climate change, including more in the way of mitigation and adaptation. Excessive public subsidies for fossil fuels must be ended. Climate finance must be sufficient in quantity and quality and must be pro-poor and of direct benefit to communities. The general comment should also address concerns with regard to the detrimental impacts of certain climate mitigation or adaptation measures, most of which affected developing countries. It should affirm that the climate emergency required coordinated, global responses based on the principle of common but differentiated responsibilities. Access to sustainable energy and a just transition framework were essential for realizing economic, social and cultural rights and for development.

9. With reference to business activities that harmed the environment and undermined human rights, participants expected that the general comment would affirm and go beyond what had been stated in the Committee's general comment No. 24 (2017). The Committee was expected to require States parties to ensure that the private sector operated within the confines of the law and respected human rights and to put in place appropriate follow-up and monitoring mechanisms and remedies for human rights abuses. The general comment should also state that businesses must be transparent with regard to environmental and human rights risks and impacts. States must likewise be transparent about contracts with private entities. The Committee must also consider the relationship between environmental and human rights impact assessments and clarify when they were required. The Committee should examine the role played by the financial sector and international investment agreements with regard to activities that impaired the environment and human rights. The general comment should provide for mechanisms for an equitable sharing of the revenues from the exploitation of national resources by transnational companies. It should explicitly deal with the position of persons who were disproportionately impacted by climate change and environmental degradation and should consider intersectional perspectives. Indigenous Peoples should be empowered to act as stewards of biodiversity and should retain their rights to natural resources. The relationship between international environmental and human rights law must be clarified. The relevance of articles 1 and 25 of the Covenant should be explained, and it should be emphasized that the Covenant entitled people and not States to use natural resources. The Committee should elucidate the scope of the obligation to protect current and future generations and should integrate sustainable development in the interpretation of all articles of the Covenant, while paying particular attention to article 2 (1). It should further clarify the interpretation of article 11 and the notion of continuous improvement and what it meant in the context of sustainable development. It would also be important for the Committee to consider what recognition of the right to a healthy environment entailed for the scope and interpretation of the Covenant.

Panel 1: Implications of sustainable development on key doctrines and State obligations under the Covenant

10. **Ms. Liebenberg** (Panellist, Stellenbosch University), speaking via video link and accompanying her statement with a digital slide presentation, said that article 21 of the Covenant set forth States parties' obligations. The Committee's general comment No. 3

(1990) and subsequent general comments established the principle that States had minimum core obligations to secure essential levels of Covenant rights. In that context, the Committee had consistently held that priority should be given to vulnerable and disadvantaged groups. The concept of progressive realization gave State parties some latitude with respect to the time that they might need to achieve the full realization of the aforementioned rights. However, it imposed a burden on them to show that they were taking expeditious and effective steps towards that goal. Various general comments explained what full realization meant for the rights in question. The Committee had developed a range of indicators, such as the right to water, health-care services, housing and social security, as well as their accessibility, availability, adequacy, quality and, increasingly, sustainability. It had made it clear that there was generally a strong presumption against retrogressive measures. The Covenant also enshrined a right to non-discrimination and gender equality in the enjoyment of all other Covenant rights. General comments No. 16 (2005) and No. 20 (2009) stated the importance of taking positive measures to redress systemic patterns of intersectional disadvantage rooted in race, gender, age, disability or economic and social status.

11. The concept of international assistance and cooperation was equally of importance. In a number of contexts, the Committee had referred to States' capacity, resources and contributions to harm and had spelled out States' extraterritorial obligations and their obligations as members of international organizations, the conduct of which could have foreseeable effects on the territory of other States. It had emphasized their special responsibility towards developing and fragile States and small island developing States.

12. Many of the concepts embodied in the Covenant had been developed in the 1980s. The current enormous challenge was that unsustainable models of production and consumption were overshooting the Earth's capacity to support such activity. The triple crisis of climate change, biodiversity loss and pollution constituted a threat to the environmental basis of all the rights protected by the Covenant, even the right to life.

13. Contributions to unsustainable development and its impact were unequally distributed in and between States. The richest 10 per cent of the global population contributed a disproportionately large share of emissions of greenhouse gases compared with the poorest 50 per cent of the population. The developed world and industry had also emitted an inordinately large share of those gases through the use of fossil fuels, yet Indigenous Peoples, vulnerable and disadvantaged groups and developing and fragile States were bearing the brunt of climate change and environmental degradation. At the same time, there had been a very steep increase globally in income and wealth disparity. In the previous two decades, the gap between the average incomes of the top 10 per cent and the bottom 50 per cent had almost doubled. The poorest half of the world's population possessed just 2 per cent of global wealth compared to the richest 10 per cent who owned 76 per cent. The environmental crisis was therefore being accompanied by enormous global inequality.

14. The question that would therefore confront the Committee when drafting the general comment was how key aspects of the Covenant and the Committee's existing doctrine could be applied to promote and protect more sustainable models of development that could guarantee the realization of the economic, social and cultural rights of current and future generations. Another question was therefore what kind of development models could secure genuine respect for human rights and ecological limits. In her book *Doughnut Economics*, Kate Raworth propounded an economic model of basic needs and rights that stayed within the ecological ceiling of the nine planetary boundaries. That model could be applied to some of the key concepts of the Covenant to underpin the fundamental core obligation to safeguard basic needs for a life of dignity while setting a ceiling on full realization that complied with some of the criteria. In the meanwhile, progressive realization could be based on the regeneration and protection of natural resources and on investment in the care economy to ensure gender equality, while redistributive tax policies and international assistance could be used to secure equality and non-discrimination.

15. **Mr. Rockström** (Panellist, Potsdam Institute for Climate Impact Research), speaking via video link and accompanying his statement with a digital slide presentation, said that scientific evidence demonstrated the need to manage humanity's future within the safe operating space of planetary boundaries. There was proof that pressures on the Earth's system were peaking and that a saturation point would be reached owing to the Anthropocene. There

were in fact four interconnected crises: the climate crisis, the ecological crisis, the health crisis and geopolitical instability. That polycrisis could be ascribed to the transgression of planetary boundaries. A combination of crises due to inflation, economic recession, social instability, displacement, migration, conflicts and a war in Europe could well cause long-term damage. Global mean surface temperature had already risen by 1.2°C. La Niña was likely to occur in 2023 and 2024. That meant that a temporary rise of 1.5°C in global mean surface temperature might take place in those two years. That would entail a high risk of environmental damage that could lead to a tipping of 16 elements within the large biophysical systems that helped to regulate the climate, from a state where they cooled and were life-sustaining to a state where they self-amplified and were life-threatening. Four systems, namely the ice sheets at the poles, all tropical coral reefs, the boreal permafrost and Barents Sea ice, were likely to arrive at the tipping point when the 1.5°C temperature rise happened. The sea rise caused by melting polar ice was a crisis jeopardizing human societies' life, equity and prosperity. It also entailed security-related risks. Areas in the Sahara Desert, which had seen a more than 29°C increase in annual mean temperature, had crossed that threshold. Brazil, parts of Africa, India and South-East Asia, which would have that life-threatening rise in temperature in 50 years' time if the current amount of greenhouse gases continued to be emitted, were home to 3.5 billion people. Those conditions would inevitably lead to displacement, social instability, migration and conflict. There was already malnutrition and water scarcity in some places. It was necessary to realize that equity and justice were at stake. An increase of 1.5°C was not a negotiable, wishful target, but a scientifically based physical limit with sizeable implications for the environment and equity. The science that had defined planetary boundaries had existed for 15 years. It had identified the nine large biophysical systems that regulated the stability of the Earth's climate system and had become an essential part of guiding humanity towards a safe outcome.

16. Six of the nine planetary boundaries – climate change, biodiversity loss, land system change, green and blue water, altered nitrogen and phosphorus flows, and chemical pollution and other novel entities – had exceeded their safe limit, meaning that the biosphere's resilience was being lost just when it was most needed. To determine whether humanity could enjoy a prosperous future within planetary boundaries, his team had identified five broad areas of transformation, namely empowerment, poverty, food, energy and inequality, and examined two scenarios: one in which no action was taken, and one involving a “giant leap”, in which current knowledge, policies and institutions were harnessed to find pathways to a safe and equitable future, with a focus on reducing inequality, investing in capacity development and human development, transforming energy and food systems, and achieving gender equity. Consideration had also been given to the significant wealth inequality seen at the global level, since uneven wealth distribution was linked to lower levels of social trust, while higher social welfare spending was linked to higher levels of such trust. The team's research had found that human well-being could be increased and social tension and inequality reduced, but only through massive reductions in greenhouse gas emissions, the introduction of sustainable agriculture and the total transition to non-fossil fuels within a generation, all of which required fundamental change. The Sustainable Development Goals would therefore guide efforts to bring about an equitable, sustainable and resilient future for humanity on Earth.

17. **Ms. Santacoloma** (Panellist, Dejusticia), speaking via video link, said that climate change, which required a human rights-based approach, represented a monumental injustice, given that the communities least responsible for the phenomenon were most vulnerable to it. They must be afforded particular protection as part of just efforts to combat climate change, and the costs of those efforts must be borne by communities with greater capacities and greater responsibility for the problem. Moreover, discussions on human rights must address the need to confront climate change and ensure sustainable development. Existing international instruments had failed to contain the effects of the global climate emergency on human rights; the commitments made under the Paris Agreement, for example, were voluntary, and its targets modest, resulting in a slow reduction in emissions.

18. The general comment should therefore develop the argument that States' mitigation obligations must be proportional to their historic and current responsibility for greenhouse gas emissions, as well as to their capacities and resources to assist developing countries in the energy transition and climate adaptation. Those obligations should be identified using a

science-based mechanism that considered maximum available sustainable resources; the Covenant's provisions on maximum available resources must be reinterpreted through the lens of climate change, excluding resources that contributed to global warming or had other unacceptable environmental effects. The limits and consequences of development based on pollution and greenhouse gas emissions were well known, and funding for human rights must take a sustainable development approach. States must identify the impact of the activities that underpinned their economies and transition to a development model based on sustainable resources that respected human rights.

19. In the light of States' differing extraterritorial mitigation obligations, the general comment should propose a system of accountability that ensured that States reduced their emissions in line with the required proportions and time frames and paid compensation commensurate with their development capacities and past and current responsibilities, while maintaining the progress made in human rights, climate change and sustainable development. The Committee should provide a normative guide to energy transitions that respected human rights. The general comment should highlight how a human rights-based approach to climate change and the consideration of only maximum available sustainable resources would render the realization of rights under the Covenant more difficult given that the available resources would decrease and that significant investment in clean energy and climate change adaptation would be required. It should also examine the normative implications of those challenges and make relevant recommendations, for example with regard to the need for States to prioritize their use of available sustainable resources.

20. **Ms. Nolan** (Panellist, University of Nottingham), speaking via video link, said that given the particular implications of sustainable development for children, their rights must be addressed throughout the general comment, rather than being confined to a single section on, for example, disadvantaged groups. The drafting process presented an important opportunity to consider children's rights under the Covenant, and it must be borne in mind that those rights and the attendant obligations were not identical to those of adults. For example, consideration must be given to how children and their rights should be prioritized in the context of resource generation and allocation and how present-day decision-making would impact the resources available to existing and future children, both as children and as adults. Complexities surrounding the definition of, and relationship between, children and future generations meant that to fully address their rights, the general comment must do more than simply increase its focus on future generations.

21. More than 160 children from 35 countries had contributed their thoughts and ideas on the general comment at three regional consultations. The common areas of concern included unequal access to education, land and housing; socioeconomic inequality; and age discrimination. In the consultation session held in the Asia Pacific region, children had referred to violations of the rights to education and to be heard, as well as to homelessness, domestic violence and the effects of climate change. Children from Africa and Europe had cited discrimination as the main issue, particularly in relation to race, gender, the public and private education sectors and access to hospitals, along with inequality in employment and education opportunities. Participants in the session for children in Latin America and the Caribbean had raised concerns of discrimination against Indigenous groups and recalled the urgent need to support and protect child human rights defenders. Participants in all groups had highlighted the importance of allowing children to influence and participate meaningfully in political and other decision-making processes in the area of sustainable development so as to uphold their economic, social and cultural rights.

22. **Ms. Bueno de Mesquita** (University of Essex), speaking via video link, said that consideration should be given to whether non-financial resources, such as human resources, should be included in maximum available resources.

23. **Ms. Morgera** (One Ocean Hub), speaking via video link, said that the Committee should examine the consensus-based guidelines developed under the Convention on Biological Diversity, which addressed the matters of consent, partnerships through equitable benefit-sharing, environmental impact assessments and strategic environmental assessments, and the ecosystem approach. Attention should also be paid to the marine environment and the blue economy, the negative impact of unsustainable development in the marine

environment on various groups and the potential of international ocean governance to uphold economic, social and cultural rights.

24. **Ms. Djanaeva** (ALGA), speaking via video link, said that she wished to know how the gender dimension could be integrated into sustainable development and States' obligations under the Covenant. In the light of increasing attacks on women's rights, it would be useful to know how State accountability could be enhanced and concrete action facilitated to ensure women's participation in all stages of implementing the Sustainable Development Goals, and how the Committee and the Office of the United Nations High Commissioner for Human Rights would address States' obligations in that regard.

25. **Ms. Lee** said that it was clear that to remain within planetary boundaries, a ceiling must be placed on the accumulation of wealth, at both the national and international levels. In its consideration of the Covenant's provisions on non-discrimination, inequality and maximum available resources, the Committee could consider the connection between planetary boundaries and wealth accumulation. She would like to know how the idea of a human rights-enhancing economy could be linked to sustainable development.

26. **Ms. Suárez Franco** (FIAN International) said that States seeking to adopt measures to protect the environment could be sued by companies in private arbitration tribunals for breaching the terms of commercial agreements and contracts. She wished to know how the Covenant could ensure the primacy of human rights and the natural world in such cases, whether the Committee could establish standards to ensure that those aspects took precedence over commercial interests, and whether it could recommend that cases involving human rights violations should be brought under the jurisdiction of courts that dealt with human rights, for example through referral clauses in commercial contracts.

27. **Ms. Saran** said that the Committee could examine how it raised the matter of common but differentiated responsibilities in its constructive dialogues with States parties. She would like to hear the panellists' thoughts on the Covenant right to enjoy the benefits of scientific progress, which was often mentioned in climate change negotiations.

28. **Mr. Fiorio Vaesken** said that the scientific data presented by Mr. Rockström were very important; things that could not be measured, could not be changed. He asked whether Mr. Rockström might provide further detail on whether the action being taken by States, or lack thereof, was perpetuating the risk factors he had mentioned. He wondered if Mr. Rockström considered that the goals of the 2030 Agenda for Sustainable Development were sufficient given the context he had described. He invited the other panellists to comment on that issue, based on their understanding of the Covenant.

29. **Mr. Khalfan** (Oxfam America) said that, in its general comment, the Committee should make it clear that the current increase in global temperatures had already given rise to human rights violations. While the presentation by Mr. Rockström had shown that 1.5°C would be the highest allowable increase in global temperature, the current increase of 1.2°C had already led to violations of economic, social and cultural rights. For example, events such as floods and cyclones had caused the displacement of millions of people.

30. It was therefore not simply a matter of reducing fossil fuel consumption, but also of ensuring accountability for past actions, and it was clear that the perpetrators of such violations were those countries which had exceeded their fair share of environmental consumption.

31. **Ms. Liebenberg** (Panellist, Stellenbosch University) said that the gender dimension of sustainable development was critical in finding a model of development which would support gender equality and the full and equal enjoyment of Covenant rights.

32. It was helpful to consider that there was a threshold to the full realization of rights and that the progressive realization of rights would have a ceiling. In situations where resources were used beyond the threshold of adequacy, there should be redistribution of space through tax policy, international assistance and cooperation and trade policy to ensure that everyone enjoyed the minimum standards of human rights.

33. The Committee's general comment No. 25 (2020) provided a valuable basis for ensuring that the benefits of scientific progress were fairly distributed within human rights-based forms of development.

34. **Ms. Santocoloma** (Dejusticia) said that the issues raised regarding the accumulation of wealth linked well to the idea that article 2 (1) of the Covenant, pertaining to maximum available resources, should be founded on principles of sustainability and equity in the distribution of responsibility. Those issues were also connected to the topic of a human rights-based economy; often, the enjoyment of human rights was financed through fossil fuel consumption.

35. The question of the right to access to technology was therefore also important, since mitigating the use of fossil fuels relied on the ability of countries to adapt to using clean energy, which was not possible without technology and sufficient economic resources to do so. The countries with the greatest economic resources should therefore fund those clean energies.

36. The relationship between commercial treaties, courts of arbitration and State obligations with regard to human rights and sustainable development was striking. However, it might not be possible to renegotiate such treaties.

37. **Ms. Nolan** (Panellist, University of Nottingham) said that the Committee should engage further with the issues raised by article 15 of the Covenant, such as those relating to the right to benefit from the best available science in the context of climate change and sustainable development and the relationship between technology and sustainable development.

The meeting was suspended at 11.45 a.m. and resumed at 11.55 a.m.

Panel 2: Sustainable development from different perspectives

38. **Ms. Otani** (Panellist, Committee on the Rights of the Child), speaking via video link, said that the Committee on the Rights of the Child welcomed the prominence of children's rights in the discussion. The Committee on the Rights of the Child was preparing a draft general comment on children's rights and the environment, with a special focus on climate change, and was grateful to the Committee on Economic, Social and Cultural Rights for its close collaboration in that process.

39. Public consultation on her Committee's draft general comment had recently concluded, and it was hoped that, once all the comments and submissions received had been considered, her Committee would adopt it at its ninety-third session. The draft general comment had been based on submissions from States on a concept note as well as input from a first consultation, a thematic consultation and consultations with 7,416 children from 103 countries.

40. One objective of her Committee's draft general comment was to shed light on the societal, legal and other implications of concepts such as international cooperation, future generations and intergenerational equity, with a view to improving the legislative, administrative and other measures taken by States and other stakeholders in upholding the rights of the child. During the consultation process, it had become clear that sustainable development was a key concept in any discussion about intergenerational equity and future generations.

41. Nevertheless, the draft general comment did not address sustainable development in detail, since her Committee had already acknowledged the inextricable link between inclusive, equitable and sustainable development and the realization of children's rights and because the scope of the draft general comment was too broad. The general comment being prepared by the Committee on Economic, Social and Cultural Rights was therefore timely.

42. As quoted in her Committee's draft general comment, 88 per cent of the children consulted had affirmed that climate change and environmental damage were threatening future generations, and 63 per cent believed that children were affected more than adults. It was therefore important to listen to children's voices.

43. Her Committee was still trying to clarify the connection between children's rights and future generations, tackling questions such as whether the rights of future generations were legally recognized and, if so, whether children represented the rights of those generations; how intergenerational equity impacted the rights of the child; how such concepts enhanced the rights of children and their future rights as adults; and how the rights of children in the future should be integrated into international human rights discussions.

44. The day of general discussion would therefore inform her Committee's efforts to clarify State obligations within the scope of sustainable development.

45. **Ms. Bueno de Mesquita** (Panellist, University of Essex), speaking via video link and accompanying her statement with a digital slide presentation, said that progress towards the Paris Agreement target to limit global warming to 1.5°C above pre-industrial levels was not on track; indeed, even if all climate change pledges made by States were met, global warming was still projected to reach 2.5°C.

46. Economic, social and cultural rights were already being violated as a result of climate change, and such violations would increase as the situation continued to worsen. By 2050, an estimated additional 250,000 deaths would be caused by climate change, and world hunger was projected to rise by 20 per cent. By 2030, more than 100 million people would live in extreme poverty. Nevertheless, the benefits of taking action were clear, and limiting global warming to 1.5°C rather than 2°C would reduce climate-related risks for up to 457 million people and avoid up to 190 million early deaths.

47. Inequalities existed in the effects of climate change, with the global South and marginalized populations worldwide being most affected. Many of the countries which contributed most to climate change were those which were least impacted by it.

48. Many statements, general comments, decisions and reports on human rights referenced the targets of the Paris Agreement; indeed, the Committee's own statement on climate change (E/C.12/2018/1) indicated that States should work towards the Paris Agreement in order to meet their human rights obligations. Human rights were therefore a key element of nationally determined contributions.

49. Important decisions had already been made within the human rights system with regard to climate change. Although the case concerning *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), which had been brought before the Committee on the Rights of the Child, had been declared inadmissible, that Committee had made important clarifications, including that States must take action to prevent foreseeable harm from climate change and regulate activities contributing to climate change; such obligations were applicable at both the domestic and international levels. During the consideration of the case concerning *Billy et al. v. Australia* (CCPR/C/135/D/3624/2019), which had been brought before the Human Rights Committee, it had been noted that if no mitigation actions were taken by the State, adaptation to climate change would become impossible.

50. The link between human rights and climate change could further be seen in the recognition of the right to a clean, healthy and sustainable environment.

51. In the current model of sustainable development, the environmental and social goals, on the one hand, and the economic goals, on the other, were contradictory. Economic growth was one of the Sustainable Development Goals but was also a major source of greenhouse gas emissions. The current model of sustainable development also promoted green growth, yet research from ecologists and economists had called into question whether such growth could develop quickly enough to meet the targets of the Paris Agreement. Furthermore, although growth in the global South was important for generating resources, the relationship between growth and economic, social and cultural rights in the global North was less clear.

52. Degrowth was an example of a possible non-hegemonic and non-universal approach to post-development. That approach was particularly applicable to the global North and was focused on international cooperation and the downsizing of sectors which contributed to global greenhouse gas emissions while increasing sectors which were more sustainable, such as health, education and restorative forms of agriculture.

53. In drafting its general comment, the Committee should therefore be informed by climate science and key human rights principles, including equality and non-discrimination. An approach which did not focus exclusively on humans could also be a possibility.

54. **Ms. Zia** (Panellist, Civil Society and Indigenous Peoples' Mechanism for relations with the United Nations Committee on World Food Security) said that small-scale farmers, the majority of whom lived in Asia and South-East Asia, were facing unprecedented and intersecting challenges: increasing competition for land and water; rising fuel and fertilizer prices; land grabs that, in some cases, were supported by Governments; and, most significantly, the effects of climate change. One example was the flooding in Pakistan in 2022, which had prevented small-scale farmers from cultivating wheat in 50 per cent of the affected area. The result was a threat not only to the livelihood of those farmers but also to the food sovereignty of the country as a whole.

55. Another issue facing small-scale farmers was their reliance on buying seed and pesticides. Whereas traditional practice dictated that farmers should keep some of their crop for seed, multinational enterprises and so-called experts instead persuaded farmers to buy seed from them on the grounds that it would give greater yields. What those enterprises and "experts" failed to mention was that the seed was sterile and farmers would have to buy more every year. Seed shortages were now a source of concern for small-scale farmers as a result of the COVID-19 pandemic, which had curtailed seed production operations. In view of the problems associated with contemporary agricultural practices, which involved heavy reliance on hybrid seed and pesticides, it might now be time to consider returning to more natural systems.

56. Multinational enterprises and corporations had undermined Indigenous Peoples' traditional knowledge and practices in a similar way – by persuading them that the "experts" knew better – and had gone as far as to appropriate the resources that Indigenous Peoples and small-scale farmers had used freely for generations. An example was spring water from the mountainous regions of Pakistan, which was now sold in plastic bottles.

57. Other issues included the gender pay gap for agricultural workers; the effect of digitalization and new technologies on livelihoods, particularly in the context of the current economic crisis; and the limited ability of small-scale farmers to adapt to the effects of climate change. As such, Governments should guarantee land rights and food sovereignty for small-scale farmers and Indigenous Peoples and should provide those groups with subsidies for seeds, as well as for education and health care.

58. **Ms. Liebenberg** (Stellenbosch University) said that the Principles on the Human Rights of Future Generations, which had been adopted in February 2023 at an expert seminar at Maastricht University and would be officially released once they had been endorsed, could prove a useful contribution to considerations on the general comment, as well as to the forthcoming draft general comment of the Committee on the Rights of the Child. Both general comments represented opportunities to emphasize the importance of considering issues relating to the enjoyment of social and economic rights in the past, present and future. The Principles attempted to address those issues, including aspects such as historical responsibilities for greenhouse gas emissions and the disproportionate impact of climate change on developing countries, including the least developed countries and small island developing States. The drafters of the Principles had drawn on the work of the United Nations human rights treaty bodies and academia and also on the results of extensive consultation with various stakeholders, including Indigenous Peoples, some of whom had generational thinking – planning not just for the current generation but also for several future generations – embedded in their world views.

59. **Mr. Pérez Bello** (International Disability Alliance) said that he wished to draw the attention of the Committee and the panellists to a resource package produced by the Office of the United Nations High Commissioner for Human Rights that included guidance on ensuring that all actions taken in connection with the Sustainable Development Goals were inclusive of persons with disabilities and guided by the Convention on the Rights of Persons with Disabilities. The package could support the Committee in including the perspective of persons with disabilities in its general comment.

60. As climate change was a central issue in sustainable development, he also wished to highlight the general comment that was being prepared by the Committee on the Rights of Persons with Disabilities on article 11 of the Convention on the Rights of Persons with Disabilities, concerning situations of risk and humanitarian emergencies. Persons with disabilities were often disproportionately affected by natural disasters and other humanitarian emergencies, and sometimes negatively affected where they were not included or considered in discussions concerning prevention and response measures. The COVID-19 pandemic was a recent example of that. Moreover, certain groups of persons with disabilities would be disproportionately affected by the effects of climate change, including persons with albinism and persons whose disabilities affected their thermal regulation or made them more sensitive to heat.

61. **Ms. Suárez Franco** (FIAN International) said that criticisms of digitalization and new technologies, such as geoengineering, were too focused on issues of access. That was a matter of serious concern because much work was yet to be done on considering the impact of those phenomena on economic, social and cultural rights. The Committee might therefore consider including reference to that impact in its general comment on sustainable development.

62. **Mr. Abashidze** asked whether the normative and conceptual foundations of sustainable development in the 2030 Agenda could guarantee the enjoyment of all Covenant rights.

63. **Ms. Nithyananda** (Kailasa) said that the Supreme Pontiff of Hinduism had established the United States of Kailasa, within which Hindu policies and Indigenous practices were implemented and sustainable development was a success. However, as a consequence of reviving Indigenous traditions, the Supreme Pontiff had suffered persecution and human rights violations, including being banned from preaching. She wondered what measures could be taken at the national and international levels to halt that persecution and to allow for the principles, policies and solutions of Hinduism – which would support sustainable development and the achievement of the Sustainable Development Goals by 2030 – to be heard on international platforms.

64. **Ms. Mingrone** (Center for International Environmental Law) said that the inclusion in the general comment of a reference to the impact of new technologies, including geoengineering, on economic, social and cultural rights would be helpful.

65. In addition, it would be important for the general comment to set out explicitly the obligations of States to protect economic, social and cultural rights from the adverse effects of the production and consumption of fossil fuels, which had been scientifically proven to be the root cause of the triple planetary crisis. States should be required to take a wide array of measures, including halting fossil fuel extraction and export, phasing out the domestic use of fossil fuels, discontinuing the financing of fossil fuel-related infrastructure and activities and effectively regulating private actors. As the Committee had already considered the issue as part of its State party review processes, it would be positive to build on that work by including the issue in the general comment.

66. **Mr. Windfuhr** said that he wondered how the contradiction between the wishes of children and young persons to fully enjoy their economic, social and cultural rights, such as travelling by aeroplane, and the needs of future generations might be reconciled and whether helpful insights into that issue might be found in the Principles on the Human Rights of Future Generations.

67. **Mr. Kamat** (Kailasa) said that he wondered how the general comment might address a situation where a State supported the advancement of Indigenous practices in principle but, at the same time, had local legislation in force that significantly stifled Indigenous groups wishing to practise their own cultural and agricultural traditions.

68. **Mr. Fiorio Vaesken** said that certain provisions in the Covenant, including those contained in articles 2, 11, 15 and 22, suggested that States had extraterritorial obligations. Such provisions could therefore be used as a basis for recommendations issued by the Committee to States regarding their extraterritorial obligations in relation to sustainable development issues.

69. **Ms. Nolan** (University of Nottingham) said that, regarding the enjoyment of rights over time, tensions between persons currently living – both adults and children – and those who would live in the future were inevitable. It was important to recognize that the economic, social and cultural rights of current and future generations were not unlimited, that a balance must be found, and that the rights of one generation did not take precedence over those of another. Travel by aeroplane was one example of an activity that might historically have been associated with the enjoyment of economic, social and cultural rights but that would have to be reconsidered.

70. **Ms. Bueno de Mesquita** (Panellist, University of Essex) said that there were some tensions between the normative content of the 2030 Agenda and the enjoyment of human rights. However, normative issues should not be the only focus: structural issues were also key. The sustainable development model embraced in the 2030 Agenda was not the only model available, and it could be beneficial to analyse other social and environmental approaches more closely as part of the development of the general comment. In that connection, she wished to emphasize that scientific evidence provided a robust basis on which to work. Lastly, with regard to travel by aeroplane, she said that current generations should be guided by a planetary boundary approach as a framework for considering which activities they should and should not engage in.

The meeting rose at 1.05 p.m.