



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Climate change and the International Covenant on Economic, Social and Cultural Rights

#### Statement by the Committee on Economic, Social and Cultural Rights\*

#### I. Introduction

1. The Committee on Economic, Social and Cultural Rights welcomes the special report of the Intergovernmental Panel on Climate Change on the impacts of global warming of 1.5°C above pre-industrial levels, which was published on 8 October 2018. The report further demonstrates that climate change constitutes a massive threat to the enjoyment of economic, social and cultural rights.

2. In 1992, when they adopted the United Nations Framework Convention on Climate Change, States agreed that they would seek to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system (art. 2). In December 2015, reference was made in the Paris Agreement to the global goal of keeping temperatures well below 2°C, while also committing its parties to pursue efforts to limit the temperature increase to 1.5°C (art. 2). In the report published on 8 October, the Intergovernmental Panel shows that complying with this limit is imperative.

3. The Committee welcomes the pledges already made. Quite apart from such voluntary commitments made under the climate change regime, however, all States have human rights obligations, which should guide them in the design and implementation of measures to address climate change.

#### II. Human rights implications of climate change

4. The impacts of climate change on a range of rights guaranteed under the International Covenant on Economic, Social and Cultural Rights have been amply documented (A/HRC/32/23). Climate change already affects, in particular, the rights to health, food, water and sanitation; and it will do so at an increasing pace in the future. Projected increases in average seasonal temperatures and the frequency and intensity of heatwaves will contribute to an increase in heat-related deaths. Compared with a future without climate change, this is anticipated to result in nearly 38,000 additional deaths

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\* The present statement, which was adopted by the Committee at its sixty-fourth session, held from 24 September to 12 October 2018, was prepared pursuant to the Committee's practice on the adoption of statements (see *Official Records of the Economic and Social Council, 2011, Supplement No. 2* (E/2011/22), chap. II, sect. K).



annually as of 2030 and nearly 100,000 additional deaths annually as of 2050, with the largest impacts to be felt in South-East Asia. Climate change also affects nutrition through changes in crop yields, loss of livelihoods, increases in poverty, and reduced access to food, water and sanitation. Disrupted supplies of water and high temperatures stress crops and promote algal blooms in reservoirs, while rising ocean acidification affects fisheries. Indeed, according to the World Bank,<sup>1</sup> a 2°C increase in the average global temperature would put between 100 million and 400 million more persons at risk of hunger and could result in more than 3 million additional deaths from malnutrition each year. In 2014, the World Health Organization estimated approximately 95,000 additional deaths a year on account of undernutrition of children aged 5 years or less by 2030. The right to housing will also be affected. Both sea-level rise and extreme weather events, such as hurricanes and floods, will impact human settlements, especially in urban and coastal areas in which there is a higher density of human settlements, and especially for those already in vulnerable situations. Indigenous peoples and communities dependent on natural resources for their livelihoods are, and will be, particularly hit.

### **III. Human rights duties of States**

5. Under the Covenant, States parties are required to respect, protect and fulfil all human rights for all. They owe such duties not only to their own populations, but also to populations outside their territories, in accordance with articles 55 and 56 of the Charter of the United Nations.<sup>2</sup> In so doing, they should act on the basis of the best scientific evidence available and in accordance with the Covenant.

6. This Committee has already noted that a failure to prevent foreseeable harm to human rights caused by climate change, or a failure to mobilize the maximum available resources in an effort to do so, could constitute a breach of this obligation.<sup>3</sup> The nationally determined contributions that have been announced so far are insufficient to meet what scientists tell us is required to avoid the most severe impacts of climate change. In order to act consistently with their human rights obligations, those contributions should be revised to better reflect the “highest possible ambition” referred to in the Paris Agreement (art. 4 (3)). The future implementation guidelines of the Agreement should require States to take into account their human rights duties in the design of their nationally determined contributions. This implies acting in accordance with the principles of gender sensitivity, participation, transparency and accountability; and building on local and traditional knowledge.

7. Moreover, States parties should adopt measures to adapt to the negative consequences of climate change, and integrate such measures within existing social, environmental and budgetary policies at national level. Finally, as part of their duties of international assistance and cooperation for the realization of human rights, high-income States should also support adaptation efforts, particularly in developing countries, by facilitating the transfer of green technologies, and by contributing to the Green Climate Fund. This would be consistent with the requirement under the Covenant that States ensure the right of everyone to enjoy the benefits of scientific progress, and with the Covenant’s acknowledgement of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field (art. 15 (1) (b) and (4)).

### **IV. Contribution of human rights mechanisms**

8. In some countries, courts and other human rights mechanisms, including national human rights institutions, have taken an active role in ensuring that States comply with their

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<sup>1</sup> World Bank, *World Development Report 2010: Development and Climate Change* (Washington, D.C., 2010).

<sup>2</sup> General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 27.

<sup>3</sup> See, for example, E/C.12/FIN/CO/6, para. 9; E/C.12/CAN/CO/6, para. 53; and E/C.12/RUS/CO/6, para. 42.

duties under existing human rights instruments to combat climate change. In particular, courts have accepted to hear claims filed by victims of climate change or by non-governmental organizations, and ordered States to adopt action plans reasonably tailored to the urgent need to mitigate climate change and, where necessary, to adapt to its unavoidable impacts.

9. The Committee welcomes this development. Human rights mechanisms have an essential role to play in protecting human rights by ensuring that States avoid taking measures that could accelerate climate change, and that they dedicate the maximum available resources to the adoption of measures that could mitigate climate change. Such measures include accelerating the shift to renewable sources of energy, such as wind or solar; slowing down deforestation and moving to agroecological farming allowing soils to function as carbon sinks; improving the insulation of buildings; and investing in public transport. A fundamental shift from hydrocarbon to renewable energy sources in the global energy order is urgently required, in order to avoid dangerous anthropogenic interference with the climate system and the significant human rights violations that such interference would cause.

10. Complying with human rights obligations in the context of climate change is a duty of both State and non-State actors. This requires respecting human rights, by refraining from the adoption of measures that could worsen climate change; protecting human rights, by effectively regulating private actors to ensure that their actions do not worsen climate change; and fulfilling human rights, by adopting policies that can channel modes of production and consumption towards a more environmentally sustainable pathway. Corporate entities are expected to respect Covenant rights regardless of whether national laws exist or are fully enforced in practice (see general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 5). Courts and other human rights mechanisms should ensure that business activities are appropriately regulated to ensure that they support, rather than undermine, the efforts of States to combat climate change.

## **V. Role of the Committee**

11. In its future work, the Committee will continue to keep under review the impacts of climate change on economic, social and cultural rights, and provide guidance to States on how they can discharge their duties under the Covenant in the mitigation of climate change and adaptation to its unavoidable effects.

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