**Issues Paper on Sustainable Development and the International Covenant on Economic, Social and Cultural Rights**

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INTRODUCTION

In the 1970s growing awareness of the extent of the human impact on the environment led to an increased appreciation for the important relationship between the environment and development. It is evident from the evolution of the concept of sustainable development, that the paradigm of unimpeded development without consideration for environmental impacts has shifted as states recognised the need for development that integrates environmental considerations and balances economic, social and environmental dimensions.

The origins of sustainable development are evident in the 1972 Stockholm Declaration on the Human Environment (“Stockholm Declaration”) which states:

“To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.”[[1]](#footnote-1)

Despite the absence of the term itself, the Stockholm Declaration contains some of the early articulations of the elements of sustainable development. The term sustainable development first appeared in a 1975 decision of the UN Environment Programme which stated that “[e]nvironmental management implies sustainable development of all countries, aimed at meeting basic human needs without transgressing the outer limits set to man’s endeavours by the biosphere”.[[2]](#footnote-2) Sustainable development subsequently appeared in the 1980 World Conservation Strategy of the International Union for Conservation of Nature and Natural Resources (IUCN).[[3]](#footnote-3) However, widespread recognition of sustainable development and the definition of the concept began with the creation of the World Commission on Environment and Development in 1983.[[4]](#footnote-4)

While awareness of human impact and dependence on the environment grew, there was a concurrent recognition of the vital role of development in human well-being.[[5]](#footnote-5) In the 1986 Declaration on the Right to Development, the UN General Assembly acknowledged development as “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals”.[[6]](#footnote-6) The declaration recognised the right to development and defined it as follows:

“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”[[7]](#footnote-7)

A year later, sustainable development was also defined for the first time in the 1987 Report of the World Commission on Environment and Development or Brundtland Report as development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.[[8]](#footnote-8)

The UN General Assembly then affirmed the centrality of sustainable development in a 1987 resolution wherein it welcomed the Brundtland Report and held that sustainable development “should become a central guiding principle of the United Nations, Governments and private institutions, organizations and enterprises.[[9]](#footnote-9)

The definition of sustainable development in the Brundtland Report has been widely used and is found in, for example, the 1990 Human Development Report of the UNDP.[[10]](#footnote-10) Emphasising the role of rich nations and the threat of poverty, the Human Development Report also asserts that sustainable development “must also include the protection of future economic growth and future human development”.[[11]](#footnote-11)

The 1992 Rio Declaration on Environment and Development (“Rio Declaration”) made a substantial contribution to the articulation and conceptualisation of sustainable development through its 27 principles.[[12]](#footnote-12) Both echoing the definition of sustainable development in the Brundtland Report and affirming the right to development, Principle 3 of the Rio Declaration states that “[t]he right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”.[[13]](#footnote-13) In 1993 the World Conference on Human Rights adopted the Vienna Declaration and Programme of Action which affirms the Declaration on the Right to Development and reiterates the contents of Principle 3 of the Rio Declaration.[[14]](#footnote-14)

The understanding of the concept of sustainable development later progressed from a mechanism to address an environment-development dichotomy to the idea of balancing social development, economic development and environmental protection. These three dimensions were included in the 1995 Copenhagen Declaration on Social Development which held that “economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people”.[[15]](#footnote-15) In 2002 the World Summit on Sustainable Development similarly emphasised the integration of the three “pillars of sustainable development”, namely economic development, social development and environmental protection.[[16]](#footnote-16) The significance of sustainable development was reinforced by the 2005 World Summit which affirmed the goal of development and held that “sustainable development in its economic, social and environmental aspects constitutes a key element of the overarching framework of United Nations activities”.[[17]](#footnote-17)

The 2011 UNDP Human Development Report advocates for the joint pursuit of sustainability and equity, and describes sustainable human development as “expansion of the substantive freedoms of people today while making reasonable efforts to avoid seriously compromising those of future generations”.[[18]](#footnote-18)

In the outcome document of the 2012 UN Conference on Sustainable Development, “The Future We Want”, States acknowledged “the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions”.[[19]](#footnote-19) The integrated approach of balancing the economic, social and environmental aspects of development is now widely recognised as “sustainable development” and forms the foundation for the 2030 Agenda and the accompanying Sustainable Development Goals (SDGs).[[20]](#footnote-20) The 2030 Agenda describes the SDGs as “balanc[ing] the three dimensions of sustainable development: the economic, social and environmental”.[[21]](#footnote-21) In seeking to balance development needs with the protection of the environment, the 2030 Agenda recognises that “social and economic development depends on the sustainable management of our planet’s natural resources”.[[22]](#footnote-22) As it predates these developments in international law and policy, the International Covenant on Economic, Social and Cultural Rights (ICESCR) does not explicitly refer to sustainable development or incorporate environmental considerations. In order for the Covenant to respond adequately to contemporary challenges of unequal economic and social development and the challenges posed by global environmental threats which threaten to undermine the economic, social and cultural rights, the Covenant must be interpreted as a “living instrument”.[[23]](#footnote-23) The Covenant should be interpreted to ensure that it remains effective in achieving the object and purpose of realising economic, social and cultural rights.

Where environmental degradation and unsustainable development pose a significant threat to this aim, the Covenant should be interpreted in such a way as to allow the achievement of its goal. In other words, the object and purpose of the Covenant cannot be effectively achieved without consideration of all three pillars of sustainable development – the economic, social, and environmental dimensions.

# KEY THEMES

In this Issues Paper, the following ten key themes are explored which are of overarching central concern and relevance in considering sustainable development and the ICESCR:

1. [**Natural resources: Responsible governance and institutions, resource availability, equity in access and limitations in the use**](#_Natural_Resources_–)
2. [**Environmental degradation and biodiversity loss**](#_Environmental_degradation_and)
3. [**Climate change, sustainable development, and economic, social and cultural rights**](#_Climate_change,_sustainable)
4. [**Gender equality**](#_Gender_Equality)
5. [**Leave no-one behind: Disadvantaged and marginalised groups and intersectionality**](#_Leave_no-one_behind)
6. [**Indigenous Peoples, Peasants and Other People Working in Rural Areas**](#_Indigenous_Peoples,_Peasants)
7. [**Private actors and sustainable development**](#_Private_actors_and)
8. [**International co-operation, extra-territorial obligations and transboundary impacts**](#_International_cooperation,_extra-te)
9. [**Remedies and accountability**](#_Remedies_and_Accountability)
10. [**The interrelationship between sustainable development and key concepts in the Covenant**](#_The_interrelationship_between)

# Natural Resources – Responsible governance and institutions - Resource availability, equity in access, limitations in use

Natural resources are important determinants for the livelihood of the majority of human beings worldwide, relevant for the realization of their ESCRs. Be it as productive resources such as land, forests, fisheries, water, and seeds, that builds the bases for most people´s livelihood on earth or be it as global commons such as water and air as well as biodiversity. The sustainable management of natural resources depends to a very large degree on the quality of public institutions, from the question, whether these institutions function, are transparent, just and participative or discriminatory, biased and with corruption. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and, adopted unanimously in 2012 in the UN-Committee on World Food Security (UN-CFS)[[24]](#footnote-24) describe what is needed to have institutions that work for all, that leave nobody behind and that operate without discrimination.

Access to natural resources is already distributed very unequally. Existing access to them is often not effectively documented, e.g., user rights etc. are too often not registered or secured (legally and formally), in particular not for disadvantaged and marginalized groups in society. This is also one of the key determinants for the persistence of poverty and hunger and malnutrition. Institutions often do not respect or protect those living from natural resources, particularly also indigenous peoples, but also peasants, pastoralists or fisherfolk. They have problems in registering their actual use of such resources. Additionally, natural resources are in parts global commons, such as water, air biodiversity as global commons, whose sustainable management is extremely difficult not only at national levels but also at regional or global levels. Institutions need to be equipped with the necessary resources, independence, and professionalism to support such management of natural resources.

It has become clear that the natural resources required for the realisation of economic, social and cultural rights are not unlimited or unaffected by development. Growing populations and high levels of consumption and production place pressure on these natural resources. Climate change, land degradation and deforestation, ocean acidification, and the pollution of water, air and soil pose threats to the life-sustaining ecosystem services the earth provides.

* **(I-1) Given the pressure on natural resources and the increase in conflicts over resource use and access, how can the Covenant assist in providing a normative framework for the resolution of such conflicts in the context of declining natural resources becoming or even increasingly becoming scarce resources?**
* **(I-2) How to solve user conflicts that originate from the overuse of certain limited natural resources and may impact on the implementation of another right, for example in the use of water resources for drinking, agriculture or energy and industry use etc. Which user interest needs to be met first, how can a human rights-based approach help solve such user conflicts?**
* **(I-3) What obligations does the Covenant impose on States parties concerning the protection of natural resources essential for specific ESCRs such as the right to food (land, biodiversity, climate) and the right to water (rivers, lakes, climate)?**
* **(I-4) How can the Covenant guide states in developing measures to hinder or reverse policies that actively destroy biodiversity or ecosystems for livelihood preservation?**
* **(I-5) How is it possible to find a just balance between the need for the protection of the environment and biodiversity and the interests of users for example in forest areas or areas of high biodiversity. This user might be dependent in their livelihood from income generated by using such regions or resources from them?**

A State party must take steps to progressively realise the rights in the Covenant “to the maximum of its available resources”.[[25]](#footnote-25) The concept of “maximum” available resources raises questions regarding the appropriate levels of natural resource use as well as sustainable production and consumption levels. Unlimited social and economic growth may perpetuate unsustainable patterns of development and detrimentally impact future generations. The unsustainable use of resources might limit the future “availability of resources” that would be needed for the progressive realisation of the rights enshrined in the Covenant.

In addition, individuals, and groups most affected by rapid environmental changes (such as climate change) are often those who lack access to sufficient resources even for their own subsistence. Any consideration of regulating the future use of limited resources and the access rights of individuals and groups need to reflect the existing imbalance of opportunities to resources.

* **(I-6) Given the recognition that there are clear ecological limits to the use and consumption of natural resources, how can the concept of maximum available resources be applied to sustainable development, and also to ensure priority attention to those who currently most lack access to economic, social, cultural and environmental resources?**

Natural resources are referred to in article 1 and article 25 of the Covenant. Article 1(2) notes that all peoples may “freely dispose of their natural wealth and resources”, adding that a people may not “be deprived of its own means of subsistence”. Article 25 states that “[n]othing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources”.

* **(I-7) How should articles 1 & 25 be interpreted in light of the current environmental crises?**
* **(I-8) Can the Covenant impose obligations of restraint in the use of natural resources to ensure sustainable development?**
* **(I-9) Could a limitation of sovereignty and freedom to dispose of natural wealth and resources be justified following the provisions of article 4?**

# Environmental degradation and biodiversity conservation

Human beings are dependent on the environment for their basic needs. The functions and resources of the environment ensure that we have, among other things, food, water, shelter, and clothing.[[26]](#footnote-26) These life-supporting functions of the environment are threatened by environmental pollution and degradation, having significant consequences for human rights. Unsustainable and unfettered development threatens the environmental base, which underpins all economic, social, and cultural rights. The Agenda 2030 sets out some of these challenges of sustainable development and threats to the environment:

“Natural resource depletion and adverse impacts of environmental degradation, including desertification, drought, land degradation, freshwater scarcity and loss of biodiversity, add to and exacerbate the list of challenges which humanity faces. Climate change is one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve sustainable development. Increases in global temperature, sea-level rise, ocean acidification and other climate change impacts are seriously affecting coastal areas and low-lying coastal countries, including many least developed countries and small island developing States. The survival of many societies, and of the biological support systems of the planet, is at risk.”[[27]](#footnote-27)

* **(II-1) Are the current interpretations of Covenant rights such as that of the right to health and the right of people to freely dispose of its natural resources sufficient to protect against environmental degradation, including loss of biodiversity? What are the possible gaps?**
* **(II-2) To what extent do activities undertaken to implement obligations under environmental conventions, such as the Convention to Combat Desertification, pursue the protection of rights such as the right to food or the right to livelihoods? How can environmental challenges such as desertification, land degradation and drought be addressed from a human rights perspective? To what extent does such an approach have the potential to improve environmental protection or preservation of human rights?**

Some environmental actions, including some undertaken in pursuance of goals under international environmental conventions, have had detrimental effects on human rights. Examples include the restriction of local communities’ access to resources that they traditionally depended on following the creation of protected areas or the disproportionate impact of an introduction of ‘green tax’ on the affordability of essential goods and services for the disadvantaged and marginalized groups.

* **(II-3) What are the actual or potential conflicts between human rights and relating States obligations under the Covenant and obligations under international environmental treaties or environmental actions more generally? How can they be reconciled? At what level should potential conflicts be addressed: legislative, policy, operational?**

# Climate change, sustainable development and ESCRs

In its statement on climate change in 2018, the Committee recognised that “climate change constitutes a massive threat to the enjoyment of economic, social and cultural rights”.[[28]](#footnote-28) Given the particular urgency and magnitude of this challenge, it warrants specific attention.

The Committee’s statement on climate change notes that in pursuing human rights under the Covenant, states should “act based on of the best scientific evidence available and in accordance with the Covenant”.[[29]](#footnote-29) And it states further 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”.[[30]](#footnote-30)

* **(III-1) Taking into account extra-territorial obligations, what does the Covenant require of states concerning the prevention of foreseeable harm caused by climate change?[[31]](#footnote-31) Can this be extended to other forms of transboundary environmental harm which threatens economic, social and cultural rights? What factors should guide an assessment of foreseeability and probability concerning climate change (and environmental harm)?**
* **(III-2) Scientific evidence and data play an important role in assessing risk and understanding the impacts of climate change and environmental harm on ESCRs. What are the implications for States Parties to the Covenant?**

Although climate change is primarily addressed under the regime of the UNFCCC, it has extensive consequences for economic, social, and cultural rights, and is thus highly relevant in the context of the Covenant.

In a 2019 report on climate change, the special rapporteur on extreme poverty and human rights pointed out that unless human rights are considered in climate change responses, the inequality resulting from climate change could become a form of “climate apartheid”,[[32]](#footnote-32) and that climate change constitutes “an unconscionable assault on the poor”.[[33]](#footnote-33)

A just transition to a carbon-free or carbon-reduced future must ensure that any policies aiming to mitigate climate change do not disproportionately or unfairly impact those living in poverty, and should consider impacts on, for example, livelihoods, access to energy and transport. ESCRs are thus highly relevant to both climate change mitigation and adaptation strategies.

This is equally relevant for adaptation policies that might impact certain marginalised or disadvantaged groups disproportionately, for example, when dams are to be constructed or when certain areas might no longer be habitable (due to their vulnerability to landslides, or over flooding) etc.

The priorities of adaptation policies and measures are also important in that they should not be oriented towards the protection of properties and living areas of politically and economically more powerful constituencies as opposed to impoverished communities and those who are marginalised and disadvantaged.

* **(III-3) What obligations should be imposed on States parties concerning climate change mitigation strategies in the context of the Covenant, both for impacts nationally and abroad?**
* **(III-4) What obligations should be imposed on States parties concerning climate change adaptation in the context of the Covenant?**
* **(III-5) How can the Covenant obligations help ensure that climate change strategies and policies promote a more equitable society and do not lead to deepening inequality, marginalisation, and disadvantage of groups already in vulnerable situations?**

From an international and inter-state level, it must be noted that, although climate change is a global concern, the impacts thereof are significantly greater for developing and least-developed states, particularly small island developing states, while the contributions of developed states to climate change are greater. The principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) recognises this inequity.

The 2030 Agenda explicitly affirms this principle.[[34]](#footnote-34) CBDR-RC also forms part of the climate change regime and is found in operational provisions of the UNFCCC[[35]](#footnote-35) and the preamble to the Kyoto Protocol. The principle also features prominently in the later Paris Agreement.[[36]](#footnote-36)

* **(III-6) Is there a role for CBDR-RC in the context of the Covenant and climate change or sustainable development? Can the Covenant help ensure that developed states with greater responsibility for climate change are contributing to the costs of adaptation borne by developing states?**
* **(III-7) Do extraterritorial obligations under the Covenant require developed states to contribute to prevention and adaptation concerning climate change impacts in other states where ESCRs are threatened?**
* **(III-8) What kind of financial and technological measures do states that particularly contributed to the effects of climate change adopt in supporting other states? What are the specific obligations of those States in this context?**

# Gender Equality

Both in developing and developed countries, women and girls are often in the situation of inequality, experiencing various forms of discrimination and violence. The power imbalance between men and women and the gendered roles for women and girls in the family and society have hampered the development of women and girls to their full potential, while the sustainable development of the society has been also hampered by inequality women and girls face.

There have been three stages of changes in the discourse on gender and development. The early discourse in the seventies, known as the *Women in Development (WID) approach* or the ‘integration approach’, focused on the fact that women were neglected in the development process and argued that the incorporation of women in development would enhance women’s status.[[37]](#footnote-37)

This helped to draw the attention of development policy on women and women’s role in economic development. This approach, however, did not take into account the long-existing unequal power relationship between men and women. Under a social structure that discriminates against women in many, if not all, areas of women’s lives, incorporation of women into development alone would not be able to transform the persistent inequality women and girls face but rather perpetuate it.

This approach was replaced with the *Women and Development (WAD) approach*, with emphasis on women-centred development projects, then eventually to the more comprehensive Gender and Development (GAD) approach. The GAD approach recognizes two tracks as necessary. Development projects focusing on women and girls would enhance their capacity-building and empowerment, while all development policies, programs and projects are required to incorporate the gender perspectives, to change the discriminatory social structures and practices across all sectors.

Thus, only trying to empower women and enhance their capacity, but without mainstreaming, at the same time, gender perspectives into development as a whole would not bring gender equality. These shifts in perspectives and strategies from WID, to WAD and GAD evolved along with the progress in the overall policies on gender equality by the UN, its Member States, International Organizations, and most importantly women’s movements from around the world. Starting with 1975 International Women’s Year, with the slogan of Equality, Development and Peace for women, there has been significant progress throughout the 80s and 90s, including most importantly the adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a comprehensive human rights treaty for women, and the UN world conferences on women held at a five-year interval in 1975, 1980 and 1985 and then during the Fourth World Conference on Women held in 1995 in Beijing.

In the Beijing Declaration and Platform for Action,[[38]](#footnote-38) twelve critical areas of concern for women were identified, and strategic objectives and actions to be taken were agreed upon. The critical areas ranged from poverty, education, health, violence, to power and decision-making, institutional mechanisms for women, and the environment. Regarding women and the environment, for example, the Beijing Declaration and Platform for Action addressed “the lack of adequate recognition and support for women’s contribution to conservation and management of natural resources and safeguarding the environment.”[[39]](#footnote-39) The strategic objectives agreed in the area of environment were to “involve women actively in environmental decision-making at all levels”, as well as to “integrate gender concerns and perspectives in policies and programmes for sustainable development.”[[40]](#footnote-40) Adopted by 189 governments after the long preparations and negotiations involving various stakeholder groups at the national, regional and international levels, the Beijing Platform for Action has been functioning as powerful guidelines for governments for twenty-five years now, with its implementations having been monitored by the Commission on the Status of Women and UN Women, as well as by women’s organizations around the globe.

The Beijing Conference’s call for gender equality and gender mainstreaming was echoed and revived in the 2030 Agenda for Sustainable Development. Sustainable Development Goal Number 5, namely “to achieve gender equality and empower all women and girls”, is accompanied by nine targets, which include, among others, elimination of all discrimination and violence against all women and girls, including harmful practices; ensuring universal access to sexual and reproductive health and reproductive rights; and to recognize the value of unpaid care and domestic work carried out primarily by women, as well as women’s full political and public decision-making.[[41]](#footnote-41) In the 2030 Agenda, it is believed that:

 “[r]ealizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities. Women and girls must enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision making at all levels.”[[42]](#footnote-42)

With this relationship between gender and sustainable development acknowledged, we need a fresh look at the International Covenant on Economic, Social and Cultural Rights and to come up with a more comprehensive interpretation of the Covenant rights concerning gender and sustainable development. The Covenant provides in its article 2.2, that there should be no discrimination on the ground of ‘sex’, along with other categories of social status. Article 3, further strengthening article 2.2, stipulates the obligation of States parties to guarantee gender equality. Thus, the States parties should “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.”

The Committee, in its general comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights, elaborated the meanings of articles 2.2 and 3 and how equal rights of women could and should be ensured concerning each of the rights enshrined in the Covenant.

* **(IV-1) Given the disproportionate burden on women of poverty and of environmental degradation, how should the obligation of gender equality (articles 2(2) and 3 of the Covenant) be integrated with all measures taken by states parties to achieve sustainable development?**
* (**IV-2) How can the State party’s effort be effectively monitored in its implementation of articles 2.2 and 3 of the Covenant? Can the ‘maximum available resources’ barometer be used also for article 3? How can it be measured?**
* **(IV-3) Despite the legal prohibition of discrimination and violence in most countries, including harmful practices towards girls such as female genital mutilation and child marriage, discriminatory attitudes and violent practices continue due to the long ‘tradition’ or ‘culture’. Does the 2030 Agenda, with SDGs and indicators, help to reduce the gap between the law and the practice? What are the achievements and challenges so far in advancing gender equality as planned in the 2030 Agenda, in particular SDG5?**
* **(IV-4) The current capitalistic economic and social structure does not value childbearing, care work and other domestic work, which is performed primarily by women. Unpaid care and domestic work is essential for the reproduction of the future labour force and maintenance of the society, i.e. for sustainable development, but are not calculated and put into the GDP and other national accounts. How could this be addressed under the Covenant?**

# Leave no-one behind – Disadvantaged and Marginalised Groups and Intersectionality

Both the Covenant and the SDGs emphasize the importance of prioritising disadvantaged and marginalised individuals and groups. Sustainable development cannot be achieved if extreme poverty and inequality are not addressed adequately. The pledge to leave no one behind highlights this, and it is set out in Agenda 2030 as follows:

“As we embark on this great collective journey, we pledge that no one will be left behind. Recognizing that the dignity of the human person is fundamental, we wish to see the Goals and targets met for all nations and peoples and for all segments of society. And we will endeavour to reach the furthest behind first.”[[43]](#footnote-43)

Inequality and the environmental burden on the poor are particularly evident in relation to climate change.[[44]](#footnote-44) As already noted, the special rapporteur on extreme poverty has referred to the risk of “climate apartheid” should the needs of communities and individuals living in poverty be overlooked. This underscores the need to address deep inequalities in the distribution of environmental benefits and burdens.[[45]](#footnote-45)

In addition to this, the impact of the state of the environment on future generations (and their human rights) must not be forgotten.[[46]](#footnote-46) The groups that are disadvantaged and marginalized are often in that position because governmental action has overseen their particular needs and demands. Relevant public institutions to support their livelihood – e.g., in rural areas – do not exist or do not function at all. These individuals have no secure access to productive resources or to a job or support programmes and/or social security. It is often political marginalization that is an underlying cause of this situation. Public policies are required to overcome such situations and to support such groups. The impact of climate change or larger environmental distractions will often affect those groups particularly, because they live in areas that are particularly prone to natural disasters, or because they miss any resources for adaptation measures at their individual or community level.

Individuals or groups with double or triple marginalized social status often experience multiple discrimination and disadvantages. For example, a girl who belongs to an ethnic minority and is living on a remote island can be more limited in her access to education or more vulnerable to the negative effect of climate change. Similarly, an indigenous man with a disability might be more easily excluded from the decision-making process on matters that affect him and his family.

Intersectionality of different personal or group identities and the facets of multiple discrimination must be addressed in sustainable development as promised to reach the “furthest behind first,” as well as the implementation of the Covenant rights.

* **(V-1) What role should sustainable development play in the application and interpretation of equality and non-discrimination under the Covenant?**
* **(V-2) How does the Covenant relate to the inequitable distribution of environmental resources and benefits necessary for the realisation of ESCRs?**
* **(V-3) Similarly, how does the Covenant relate to the inequitable burden of environmental harm experienced by individuals and groups who are already marginalised and disadvantaged?**
* **(V-4) What conceptual tools are available under the Covenant to detect policy choices aimed at addressing climate mitigation and adaptation, which disproportionally impact upon individuals, and groups who are already marginalised and disadvantaged?**
* **(V-5) How does the Covenant relate to the development of emergency systems adequately to address the potential impact of fast on-set (floods, droughts, hurricanes etc.) How can emergency response systems be designed which are sensitive to the particular situations of individuals and groups who are marginalised and disadvantaged (such as those who do not have property rights to land or access to the natural resources the economically affluent have (forests, fisheries etc.). Are there ways to increase the individual or collective resilience to catastrophes and change?**
* **(V-6) How does the Covenant relate to developing an adequate system of disaster preparedness and responses appropriately tailored to the needs of particularly vulnerable and marginalized groups and individuals?**
* **(V-7) The principle of intergenerational equity is relevant for environmental harm (including climate change) as the impacts are felt over the long term and are often not immediately apparent. Is there room under the Covenant to consider the position of future generations? What is the role of equality and non-discrimination in this regard? How can children’s rights assist in informing this long-term view of environmental impacts on human rights?**

# Indigenous Peoples, Peasants & Other People Working in Rural Areas

Indigenous peoples, peasants and other people working in rural areas have a specific relation with issues concerning sustainable development, ESCRs and SDGs, which might deserve specific treatment. On one hand, these populations are especially impacted by most of the environmental threats that appear when principles of sustainable development are not respected, such as climate change, water and air pollution, soil degradation or destruction of biodiversity as in many respects their livelihood depend directly on natural resources.

Besides, in some cases, measures to mitigate climate change might have a disproportionate impact on these populations, for instance on the territories of the indigenous peoples. On the other hand, because of their traditional knowledge, cultures and traditional practices, these populations can make a huge contribution to sustainable and equitable development and a better management of the environment.

Finally, International law has recognized specific rights for these populations through documents such as the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the 2018 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

* **(VI-1) Do states have particular obligations concerning indigenous peoples in relation to both climate change mitigation and adaptation strategies?**
* **(VI-2) Do States have particular obligations concerning Peasants and Other People Working in Rural Areas in relation to both climate change mitigation and adaptation strategies?**
* **(VI-3) What measures should be taken by States to protect indigenous peoples and peasants and other people working in rural areas from other environmental threats, such as pollution, soil degradation or destruction or misappropriation of biodiversity?**
* **(VI-4) What measures should be put in place in order to incorporate the traditional knowledge, cultures and traditional practices of indigenous peoples, peasants and other people working in rural areas in the strategies to achieve sustainable development?**

# Private actors and sustainable development

The exploitation of natural resources is a major driver of the environmental change and degradation that threatens the realisation of ESCRs. In many instances, such activities are undertaken by private or non-state actors. Relevant industries include fishery, logging, farming, and extractive industries. Without effective regulation private actors are free to damage the environment and deplete natural resources for private economic gain, depriving people of the healthy environment necessary for survival, with little or no compensation for the loss. Traditional communities and indigenous peoples are often the most extensively impacted by such exploitation of natural resources by private actors (and by state actors).

* **(VII-1) To what extent do the obligations on States parties concerning business activities extend to circumstances of environmental threats that may place ESCRs at risk currently and in the future?**
* **(VII-2) General Comment 24 reminds of the obligation of States parties to provide a legal framework for businesses to undertake human rights due diligence. Given the extensive impact environmental degradation has on human rights, what role should environmental impact assessments play?**
* **(VII-3) How can States parties ensure that private actors respect the rights of the communities impacted by their environmentally exploitative activities? How do these obligations differ where indigenous peoples are concerned, given the principle of free, prior and informed consent?**
* **(VII-4) What level of consultation and engagement with affected communities is expected from private or public actors concerning the exploitation of natural resources? Does this extend to the exploitation of natural resources such as marine life?**
* **(VII-5) What does the Covenant require in respect to compensation or redress for the loss of natural resources or environmental harm?**
* **(VII-6) What relevance, if any, does the Convention on Biological Diversity have in relation to the exploitation of resources and indigenous communities, given its objective of “the fair and equitable sharing of the benefits arising out of the utilization of genetic resources”?[[47]](#footnote-47)**
* **(VII-7) What mechanisms should the Committee suggest in order to address the impacts of private actors on environmental changes where it is difficult to make direct causal links between the activities and impacts, or where the impacts are indirect, or measurable only after long periods?**

# International cooperation, extra-territorial obligations, and transboundary impacts

The challenges related to sustainable development and environmental degradation are of global nature. Climate change is an example of an environmental challenge that concerns all people and is not constrained by state boundaries (although the impacts and causes are unequally distributed). In addition to climate change, transboundary environmental impacts are relevant concerning air pollution; the pollution of cross-border freshwater sources; the health of the oceans and marine life; and contamination from the transboundary movement of hazardous waste.

* **(VIII-1) What extra-territorial obligations does the Covenant impose on States parties with regards to transboundary environmental harm?**
* **(VIII-2) Given the slow and long-term nature of environmental harm, is an immediate and identifiable impact on ESCRs necessary for the Covenant to have relevance in such instances of transboundary harm?**

The 2030 Agenda affirms the principle of CBDR[[48]](#footnote-48) and pledges to leave no one behind. Overall, the burden of environmental degradation is greater for developing states and the capacity of developed states to assist is greater.

The goal of ensuring that no one is left behind therefore cannot be achieved without significant international cooperation and assistance. With respect to climate change, for example, Agenda 2030 notes the following:

“The global nature of climate change calls for the widest possible international cooperation aimed at accelerating the reduction of global greenhouse gas emissions and addressing adaptation to the adverse impacts of climate change.”[[49]](#footnote-49)

There is great inequity among states apropos the enjoyment of the benefits of natural resources and a healthy environment as well as inequity in the burden of environmental degradation and climate change impacts.

International cooperation and assistance will be necessary both for the prevention of environmental harm which threatens to impact ESCRs, as well as for the realisation of ESCRs where environmental harm has already occurred.

* **(VIII-3) What obligations does the Covenant impose on developed states in relation to international assistance and cooperation for environmental protection and sustainable development? Should the extent of such obligations be affected by a state party’s responsibility or contribution to environmental harm? If so, what mechanisms are available to attribute such responsibility?**
* **(VIII-4) What is the role of UN initiatives such as the Green Climate Fund and the technical and scientific cooperation required under article 18 of the Convention on Biological Diversity? How can the Covenant perform a mutually supportive role, ensuring that such activities promote economic, social and cultural rights?**
* **(VIII-5) How can the Committee ensure that action taken in the name of international cooperation for sustainable development incorporates human rights concerns and is culturally and contextually appropriate? What role (if any) do environmental impact assessments and human rights assessments have to play in this regard?**
* **(VIII-6) Considering the unequal burden of environmental degradation felt by developing states, how can the obligations of the Covenant ensure that these states are not “left behind” in the pursuit of sustainable development?**

Transboundary impacts of environmental degradation also arise in the form of environmental migrants and refugees fleeing uninhabitable areas, natural disasters and extreme weather events as well as conflicts over limited resources. Of particular concern is the plight of small island developing states and the undetermined status of their citizens should their territories be subsumed by rising sea levels.

* **(VIII-7) What obligations does the Covenant impose on States parties receiving environmental refugees or migrants? To what extent should these states provide for the economic, social and cultural rights of such individuals?**
* **(VIII-8) How should such states ensure that development continues to be sustainable when the influx of individuals places further strain on limited resources?**

#  Remedies and Accountability

The question of ensuring effective remedies and accountability mechanisms cuts across all the themes above. It is of particular significance for peoples and groups who bear the brunt of unsustainable and discriminatory patterns of development such as indigenous peoples, women living in poverty, children, peasants and others. As the rapidly evolving field of environmental and climate change litigation has shown it also creates the potential of new categories of rights holders, such as future generations and even the “rights of nature”.

The Covenant rights of all these groups are placed at risk when the principles of sustainable development are not respected. Ensuring effective judicial and non-judicial remedies to enforce extra-territorial obligations in this field are particularly important given that the impacts of extractive industries, climate change, pollution and similar phenomena are borne by people and groups living beyond national boundaries.

In addition, access to effective remedies is often undermined by restrictive rules of legal standing, which do not recognise public interest actions, class actions or representative litigation on behalf of future generations.

* **(IX-1) What kinds of legal developments are required to ensure that victims can obtain effective redress when Covenant rights are violated when State or non-State actors fail to comply with the principles of sustainable development?**
* **(IX-2) What kinds of other legal and institutional mechanisms would advance effective access to justice and accountability in this area? Examples could include recognising legal standing for extra-territorial claimants or children whose future enjoyment of Covenant rights are placed at risk due to climate change and environmental degradation; targeted legal assistance measures; strengthening human rights and environmental impact assessments and participatory mechanisms in decision-making; integrating sustainable development into the mandate of NHRIs or creating new institutions such as an Ombudsperson for Sustainable Development or Future Generations.**
* **(IX-3) Has the recognition of environmental rights in constitutions in many countries led to effective access to remedies for environmental harms or to ensure the respect of procedural rights?**

# The interrelationship between sustainable development and key concepts in the Covenant

The concept of sustainable development has the potential to advance an interpretation of the Covenant that appropriately integrates economic, social and environmental factors. The 2030 Agenda for Sustainable Development and the SDGs represent the most recent consensus of the global community on sustainable development. Given the overlap in content and objectives, the SDGs and ESCRs can be seen as mutually reinforcing.[[50]](#footnote-50)

Importantly, as outlined in the Committee’s Statement on “Leave No One Behind”, ESCRs, which are legally binding human rights, must guide the pursuit of sustainable development. It should ensure that strategies and policies for the implementation of the SDGs and broader development strategies are consistent with human rights norms and values.

* **(X-1) How does sustainable development influence and potentially change how key concepts in the Covenant are understood and applied?**
* **(X-2) For example, “progressive realization” is a key concept in article 2(1) of the Covenant.[[51]](#footnote-51) Article 11 of the Covenant also refers to “the continuous improvement of living conditions”.[[52]](#footnote-52) Considering “planetary boundaries” and the need to ensure intra- and inter-generational equity, are there limits to progressive realisation and the “continuous improvement of living conditions”? What would be the best interpretation for progressive realisation taking into consideration such boundaries and inter-generational equity?**
* **(X-3) If “minimum core obligations”[[53]](#footnote-53) are the floor from which progressive realisation proceeds, is there a ceiling for the level of enjoyment of ESCRs?**
* **This raises the question of what constitutes the “full realization” of the rights recognised in the Covenant (art 2(1)) given the limits implies by the concept of sustainability, including for future generations?**
* **(X-4) Similarly, Article 2(1) imposes an obligation on each State Party to take steps “to the maximum of its available resources”. How should this obligation be interpreted in the light of the need to preserve the sustainability of natural resources and the equitable distribution of resources both within and between States? [[54]](#footnote-54)**
* **(X-5) The concept of “international assistance and cooperation” is a central concept in article 2 of the Covenant.[[55]](#footnote-55) What are its implications in the light of the “common but differentiated responsibilities and respective capabilities” (CBDR-RC)[[56]](#footnote-56) of States to address environmental harms such as climate change?[[57]](#footnote-57)**
* **(X-6) In defining the normative content of the ESCR rights in the Covenant, is the AAAQ (availability, accessibility, acceptability, and quality)[[58]](#footnote-58) framework used by CESCR in general comments suitable for addressing the environmental dimensions of the Covenant obligations? How could the concept of sustainable development be incorporated in the definition of the normative content of the Covenant rights?**
* **(X-7) What kinds of remedies are appropriate to redress environmental harms that undermine ESCRs?**
* **(X-8) How should the general rights-based methodological tools of the Covenant be applied concerning the implementation of sustainable development in general, and the SDGs in particular?[[59]](#footnote-59)**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \***

1. # *\* This Issues Paper serves as a discussion guide and background paper for the preparation of a general comment on sustainable development and the International Covenant on Economic, Social and Cultural Rights. This Issues Paper has been prepared by the drafting group of the Committee on Economic, Social and Cultural Rights’ (CESCR) on Sustainable Development on the 18th of August 2021. The CESCR Drafting Group members are: Ms Laura-Maria Crăciunean-Tatu (Romania), Ms Heisoo Shin (Republic of Korea), Mr Peters Emuze (Nigeria), Mr Rodrigo Uprimny (Colombia), Mr Michael Windfuhr (Germany). Special thanks are extended to: Prof. Sandra Liebenberg (former South African member of the CESCR until 2020); the Secretariat of the Committee on Economic, Social and Cultural Rights, including Ms Maja Andrijasevic-Boko, Ms Nosy Ramamonjisoa and Mr Ömer Faruk Yalcin; the German Friedrich-Ebert-Stiftung for their generous financial support for the organization of the regional consultations; the Colombian NGO Dejusticia for their editing of the Spanish translation of the Issues Paper and for co-hosting the regional consultation for the Americas and finally, the German National Human Rights Institute for their support in the organization of the regional consultations.*

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 *Declaration of the United Nations Conference on the Human Environment* (Stockholm, June 1972) A/CONF48/14/REV1 proclamation 6. [↑](#footnote-ref-1)
2. UN Environment Programme Governing Council (2 May 1975) Decision 20(III) para II.9(b). [↑](#footnote-ref-2)
3. International Union for Conservation of Nature and Natural Resources *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (1980). [↑](#footnote-ref-3)
4. See UNGA *Process of preparation of the Environmental Perspective to the Year 2000 and Beyond* (19 December 1983) A/RES/38/161. [↑](#footnote-ref-4)
5. See UNGA *Declaration on the Right to Development* (4 December 1986) A/RES/41/128 preamble. [↑](#footnote-ref-5)
6. UNGA *Declaration on the Right to Development* (4 December 1986) A/RES/41/128 preamble. The preamble also states that ““the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development”. [↑](#footnote-ref-6)
7. UNGA *Declaration on the Right to Development* (4 December 1986) A/RES/41/128 article 1(1). [↑](#footnote-ref-7)
8. Report of the World Commission on Environment and Development: Our Common Future (1987) A/42/427 para 27. [↑](#footnote-ref-8)
9. See UNGA *Report of the World Commission on Environment and Development* (11 December 1987) A/RES/42/187. [↑](#footnote-ref-9)
10. UNDP *Human Development Report 1990: Concept and Measurement of Human Development* (1990) 7 & 61. [↑](#footnote-ref-10)
11. UNDP *Human Development Report 1990: Concept and Measurement of Human Development* (1990) 7 & 61. See also page 10 where human development is defined as “a process of enlarging people's choices. In principle, these choices can be infinite and change over time. But at all levels of development, the three essential ones are for people to lead a long and healthy life, to acquire knowledge and to have access to resources needed for a decent standard of living.”. [↑](#footnote-ref-11)
12. 12 of the 27 principles expressly mention sustainable development. [↑](#footnote-ref-12)
13. *Rio Declaration on Environment and Development* (Rio de Janeiro, June 1992) A/CONF151/26 principle 3. [↑](#footnote-ref-13)
14. UNGA *Vienna Declaration and Programme of Action* (12 July 1993) A/CONF.157/23 para 10-11. [↑](#footnote-ref-14)
15. *Copenhagen Declaration on Social Developmen*t (14 March 1995) A/CONF166/9 article 6. [↑](#footnote-ref-15)
16. For example, Johannesburg Declaration on Sustainable Development (Johannesburg, September 2002) A/CONF199/20 para 5. [↑](#footnote-ref-16)
17. UNGA *2005 World Summit Outcome* (24 October 2005) A/RES/60/1. [↑](#footnote-ref-17)
18. UNDP *Human Development Report 2011: Sustainability and Equity - A Better Future for All* (2011) [↑](#footnote-ref-18)
19. *The Future We Want* (27 July 2012) A/RES/66/288 para 3. [↑](#footnote-ref-19)
20. *Transforming Our World: The 2030 Agenda for Sustainable Development* (21 October 2015) A/RES/70/1. [↑](#footnote-ref-20)
21. 2030 Agenda preamble. [↑](#footnote-ref-21)
22. Para 33. [↑](#footnote-ref-22)
23. In *Tyrer v United Kingdom* Application No. 5856/72 (1978) ECtHR para 31the ECtHR held that “the [ECHR] is a living instrument which […] must be interpreted in the light of present-day conditions”. [↑](#footnote-ref-23)
24. *Voluntary Guidelines on the responsible governance of tenure of land, fisheries, and forests in the Context of national food security*, Rome 2012, available at: <http://www.fao.org/3/i2801e/i2801e.pdf>. [↑](#footnote-ref-24)
25. Art. 2(1) of the Covenant: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the **maximum of its available resources**, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. [↑](#footnote-ref-25)
26. See Millennium Ecosystem Assessment *Ecosystems and Human Well-Being: Synthesis* (2005). [↑](#footnote-ref-26)
27. Agenda 2030 para 14. [↑](#footnote-ref-27)
28. CESCR *Climate change and the International Covenant on Economic, Social and Cultural Rights* (31 October 2018) E/C12/2018/1 para 1. See, for example, IPCC *Global Warming of 1.5°C: An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (2018). [↑](#footnote-ref-28)
29. Ibid., para 5. [↑](#footnote-ref-29)
30. Ibid., para 6. [↑](#footnote-ref-30)
31. See UNHRC *Report of the Secretary-General on the role of ESCR in building sustainable and resilient societies for the implementation of the 2030 Agenda* (2017) A/HRC/37/30 para 32 which notes the obligation on states to take action to prevent the effects of natural disasters and climate change. [↑](#footnote-ref-31)
32. *Report of the Special Rapporteur on extreme poverty and human rights: Climate change and poverty* (2019) A/HRC/41/39 paras 11-15 & 46-50. [↑](#footnote-ref-32)
33. Ibid., para 87. [↑](#footnote-ref-33)
34. 2030 Agenda para 12 states: “We reaffirm all the principles of the Rio Declaration on Environment and Development, including, inter alia, the principle of common but differentiated responsibilities”. [↑](#footnote-ref-34)
35. United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107 Article 3. [↑](#footnote-ref-35)
36. Article 2 of the Paris Agreement expressly refers to “the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances”. [↑](#footnote-ref-36)
37. Esther Boserup’s work titled Women’s Role in Economic Development is considered as a pioneering work in gender and development. Turner B., Fischer-Kowalski M. (2014) Ester Boserup: An Interdisciplinary Visionary Relevant for Sustainability. In: Fischer-Kowalski M., Reenberg A., Schaffartzik A., Mayer A. (eds) Ester Boserup’s Legacy on Sustainability. Human-Environment Interactions, vol 4. Springer, Dordrecht. https://doi.org/10.1007/978-94-017-8678-2\_1. [↑](#footnote-ref-37)
38. Adopted by the Fourth World Conference on Women, 4-15 September 1995. United Nations, *Beijing Declaration and Platform for Action*, with the Beijing+5 Political Declaration and Outcome Document, New York, 2001. [↑](#footnote-ref-38)
39. Ibid., para. 252 in the section K*., Women and the Environment, Strategic Objectives and Actions*. [↑](#footnote-ref-39)
40. Ibid., Strategic objective K.1 and K.2. [↑](#footnote-ref-40)
41. Further includes women’s equal right to economic resources and access to land, use of ICT to empower women and sound policies and legislation to enforce gender equality and empowerment of women and girls. [↑](#footnote-ref-41)
42. Para. 20 of the Agenda 2030. [↑](#footnote-ref-42)
43. 2030 Agenda para 4. [↑](#footnote-ref-43)
44. CESCR *The pledge to leave no one behind: the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development* (5 April 2019)E/C12/2019/1 para 8. [↑](#footnote-ref-44)
45. See, for example, UNEP *Global Environment Outlook 6: Healthy Planet, Healthy People* (2019) 46, 48, 86; *Global Warming of 1.5°C: An IPCC Special Report* (2018) 244-245. [↑](#footnote-ref-45)
46. See CESCR *The pledge to leave no one behind: the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development* (5 April 2019)E/C12/2019/1 para 12(e). [↑](#footnote-ref-46)
47. See *Convention on Biological Diversity* (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79 article 1 as well as the related *Nagoya Protocol on Access and Benefit-sharing*. [↑](#footnote-ref-47)
48. 2030 Agenda para 12 [↑](#footnote-ref-48)
49. 2030 Agenda para 31. [↑](#footnote-ref-49)
50. See UNHRC *Report of the Secretary-General on the role of ESCR in building sustainable and resilient societies for the implementation of the 2030 Agenda* (2017) A/HRC/37/30 para 57 where the realisation of economic, social and cultural rights is recognised as an important contributor to the resilience and sustainability of societies. See also CESCR *Statement in the context of the Rio+20 Conference on “the green economy in the context of sustainable development and poverty eradication”* (4 June 2012) E/C12/2012/1 para 5. [↑](#footnote-ref-50)
51. Article 2(1) of the Covenant: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to **achieving progressively the full realization of the rights** recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures” [↑](#footnote-ref-51)
52. Article 11(1) of the Covenant: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the **continuous improvement of living conditions**. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.” [↑](#footnote-ref-52)
53. Minimum core obligations: “Governments, no matter what level of resources are at their disposal, are obligated to make sure that people living under their jurisdiction enjoy at least essential levels of protection of each of their economic, social, and cultural rights. While the ICESCR recognizes the principle of progressive realization of ESCR, this does not mean that states are free to postpone undertaking their duties vis-à-vis ESCR until a later date. Protection from starvation, primary education, emergency healthcare, and basic housing are among the minimum requirements to live a dignified life and it is the duty of governments to ensure these at all times. Even in cases of economic downturn or other emergency, these core requirements must be guaranteed to everyone. States should use all the available resources, including international assistance, to make sure that every individual in their territory enjoys a bare minimum of ESCR.” From [ESCR-net](https://www.escr-net.org/resources/minimum-core-obligations). More about States obligations [in general comment No. 3](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4758&Lang=en) (1990). [↑](#footnote-ref-53)
54. This issue is elaborated further in part IV on natural resources (sovereignty, equity, and limitations). [↑](#footnote-ref-54)
55. Article 2(1) of the Covenant: “1. Each State Party to the present Covenant undertakes to take steps, individually and **through international assistance and co-operation**, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.” [↑](#footnote-ref-55)
56. UNFCCC. [↑](#footnote-ref-56)
57. Note that this issue is dealt with in more detail under the chapters “climate change” and “nternational co-operation, extra-territorial obligations, and transboundary harms”. [↑](#footnote-ref-57)
58. AAAQ is framework used by the Committee to unpack the normative contents of ESCRs. For example, in [general comment No. 4 on the right to adequate housing](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en), availability refers to the availability of housing, services and infrastructure; accessibility means physical and economic accessibility of housing; adequacy (adequate housing) includes cultural adequacy; quality refers to habitability, among others. The framework has been applied to other ESCRs such as education, work, health, etc.. [↑](#footnote-ref-58)
59. See the “Leave no one behind” statement as referred to above. [↑](#footnote-ref-59)