

HUMAN RIGHTS COUNCIL – 56th SESSION

Annual Panel Discussion on the Adverse Impacts of Climate Change on Human Rights

Theme: Ensuring Livelihood Resilience in the Context of Loss and Damage Relating to the Diverse Effects of Climate Change

01 July 2024

Opening Statement

Mr. Volker Türk, High Commissioner for Human Rights, sounded the alarm bell by warning that our planet, our human rights, our very future were in profound danger. He faithfully portrayed a sombre and bleak landscape of today's gloomy reality consisting of glaciers melting, oceans warming, rain forests burning, and rivers and lakes drying up. **Lives and livelihoods were being decimated** - some by sudden disasters increasingly more intense as the effects of climate change took hold - and others by slow onset events such as sea level rise, the degradation of lands and forests, shrinking water resources or barren soils. There was an 80% chance that in one of the next five years the global annual average temperature would surpass 1.5 degree Celsius compared to the pre-industrial baseline. It was well-known that loss and damage resulting from climate change was hitting people in vulnerable situations the hardest despite the fact that they contributed the least to it. Indigenous peoples and all those dependent on land and the environment for their livelihoods faced **the reality of dying, depleted ecosystems**, at such a pace and alarming levels that should make us shatter. Millions were already forced to leave their homes as lands and resources on which they relied could no longer sustain them. All of them were to be considered as internally displaced persons, and not as persons leaving their respective countries as sometimes wrongfully purported in political discussions.

Climate change was already impacting and would **increasingly impact the human rights of everyone, everywhere**. The right to a clean, healthy and sustainable environment, the right to an adequate standard of living, and the right to life accounted for the most prominently affected rights. Loss and damage were also having a direct impact on workers and their rights. By 2030, the equivalent of more than 2% of total working hours was projected to be lost every year due to heat stress. Nowadays, over one third of heat-related deaths could be linked to climate change. Climate chaos also had an enormous economic cost. Recent studies estimated that the world suffered at least **2.8 trillion dollars in loss and damage due to climate change** between 2000 and 2019, which equated to a cost of 16 million dollars per hour. With every passing day, the climate crisis was accelerating. The imperative was to step up actions to prevent further worsening, but also to step up measures to respond to the extensive loss and damage that climate change was causing and would continue to cause. This included ensuring livelihoods resilience for directly affected individuals and communities through **universal social protection systems and transitional measures** towards green economies. Ensuring support to developing countries was also much needed to allow the strengthening of their social protection systems - a lesson already learned from the COVID pandemic.

More broadly, a complete **overhaul of the unsustainable, deadly, fossil-fuel powered economic model** was also emphasized as an imperative. A just transition to a human rights-based economy had never been more urgent. A **human rights-based economy** could be described as a fair, equitable and inclusive economy that offered decent work opportunities, reduced inequalities and poverty - to put it simple, an economy that invested in the well-being of people and planet.

Noteworthy to mention was also the **obligation to protect and empower** those using their voices to demand the transformation urgently needed, as well as the **obligation to ensure access to justice and**

effective remedies for violations of their rights stemming from loss and damage. Authorities and businesses responsible for loss and damage had to be held accountable. Under the existing framework, the countries more responsible for climate change had an obligation to provide **grant-based climate financing**, to remedy human rights harm due to climate-related loss and damage. States could advance a just transition by investing in sustainable and generative agriculture, healthy ecosystems, social security, capacity-building and training - all anchored in human rights. The **Summit of the Future** offered another chance to step up our commitments to future generations.

Distinguished Panellists

Mr. Romell Antonio Cuenca, Deputy Executive Director of the Climate Change Commission of the Philippines, depicted an alarming climate-change reality witnessed by the Philippines in recent years, with an average of 20 typhoons annually at an increased frequency and intensity, which was putting lives, livelihoods and the people's collective future at stake. For instance, typhoon Rai in 2021 provoked landslides that affected over 7.8 million people, causing destruction of homes, properties and livelihoods, and damaged 220 health facilities. This clearly showed that the **impacts of climate change were disproportionate, differentiated and compounding**. The least responsible were often the least equipped to adapt. Each storm, flood or drought translated into a struggle for survival and resilience for the Filipinos. The Government was championing human rights-based climate action informed by science and evidence. Climate change was also a matter of climate justice and social equity, with human rights at the very foundation of the national climate policy, whose aim was to protect the most vulnerable and disproportionately affected by climate impacts.

Central to the Philippine's approach were the principles of intergenerational equity, common but differentiated responsibilities, climate justice and equity, **rooted in the best of available science and indigenous knowledge**. Moreover, the Philippines' commitment to a just transition had been anchored in law, such as the Green Jobs Act - a pioneer in the ASEAN region aimed at fostering decent jobs contributing to environmental preservation. The concept of loss and damage went beyond economic metrics to encompass the cultural, social and psychological impact that eroded the fabric of affected communities. Livelihood resilience had to be seen as an ongoing process involving the participation of local communities, innovation through sustainable practices, and a steadfast commitment by national and international bodies. Discussions must be rooted in the experiences of those at the forefront of climate change.

Mr. Eric Mwezi Manzi, Deputy General Secretary of the International Trade Union Confederation (ITUC), explored the right to a just transition in light of the intersection between the climate emergency and human and labour rights. Workers and trade unions were well aware of the escalating dangers posed by the climate crisis which had already led to job losses, increased deaths, occupational accidents and diseases. For instance, the ILO estimated that worldwide in 2012 there were nearly **20 thousand deaths attributed to workplace heat exposure** - a number that had increased substantially in the recent years. Climate change would also lead to massive internal and international labour migration, which may exacerbate the harms and violations already suffered by migrant workers.

As holders to the right to a healthy environment and directly affected by climate change, **workers had the right to collectively defend their interests and to participate in climate change-related decision-making**. Promoting and protecting labour rights was essential to ensuring the right to a just transition, moving away from unsustainable industries that harmed the climate and simultaneously protecting workers' human and labour rights. This required responsible policies and public and private

investments in clean energy industries, resilient agriculture, the care sector, and many others. To counterbalance job losses, appropriate policies had to be set in place to protect workers' rights to decent work and to guarantee the livelihoods of workers and their families. On the other hand, the transition to clean energy would create new jobs which should also respect fundamental rights such as freedom of association and collective bargaining, non-discrimination in employment and occupation, freedom from forced and child labour, and a safe and healthy working environment.

Climate-related impacts **disproportionately affected women and other marginalized groups**, which had to be featured prominently in any mitigation or adaptation policy to be put in place. States' obligation to respect, protect and uphold fundamental rights was an obligation extending to the private sphere and therefore requiring States to develop a normative framework designed to address climate change and its impacts on the world of work. On issues of climate change and just transition, **workers and trade unions** must be fully able to exercise their rights to freedom of association, collective bargaining, social dialogue, and the right to strike. Without all this, it would be impossible to realize respect or enforce the right to a healthy environment in the world of work. All these rights should not be empty promises.

Ms. Margareta Wewerinke-Singh, Associate Professor of Sustainability Law at the University of Amsterdam and Legal Counsel at Blue Oceans Law, offered an overview of the evolving landscape of climate litigation, its potential to address loss and damage and enhance livelihood resilience. The recent advisory opinion issued by ITLOS marked a significant milestone in this evolving legal landscape. By affirming that anthropogenic emissions of greenhouse gases constituted marine pollution, ITLOS reminded that **oceans were not merely carbon sinks, but vital ecosystems to be protected and preserved**. Crucially, ITLOS recognized that compliance with the Paris Agreement alone was not sufficient to be fully aligned with international climate law. This recognition was also flowing from recent pronouncements by domestic and regional human rights bodies.

Furthermore, the ICJ was also asked to determine the legal consequences of states' conduct that had caused over time significant harm to the climate and environmental ecosystem. The request pending before the ICJ would provide an **unprecedented opportunity to clarify state obligations on loss and damage in the context of human rights**. Notably, youth from all around the world who had been urging for this ICJ advisory opinion were now urging all states to recognize the duty to make reparations as a legal consequence of the harmful conduct. Clarifying these existing obligations aimed to ensure that financial resources for livelihood resilience were not provided as a matter of charity, but as a matter of obligations to restore the rights of those mostly affected. Similarly, the Inter-American Court of Human Rights (IACtHR) was considering an advisory opinion on the climate emergency in light of human rights. As articulated in submissions before the IACtHR by the same youth groups and several countries, **loss and damage from climate change engaged state responsibility under human rights law**, thus carrying legal consequences. The acts and omissions causing loss and damage could be attributed to specific actors, extending back to the onset of industrialization. By the 1960s, the causal link between anthropogenic emissions and climate change was firmly established. As clarified by ITLOS, the scientific consensus had led to a higher, more stringent standard of due diligence. States failing to meet it incurred international responsibility.

By clarifying these legal frameworks, judicial processes could help give effect to states' human rights obligations, such as the obligation to mobilize resources in the face of loss and damage. These obligations should be operationalized through carbon taxes, levies on sectors like fossil fuels, aviation and shipping, and increased business accountability for climate harm. International law required all responses to be equitable, whereby the principle of common but differentiated responsibilities and the polluter-pay principle were guiding UNFCCC processes and many more. Civil society organizations

had been calling for climate reparations both within and beyond UNFCCC, thereby emphasizing the need for **comprehensive, rights-based redress**, including compensation for losses, rehabilitation of affected ecosystems and communities, guarantees of non-repetition through criminalization of ecocides, and bans on dangerous and speculative responses such as geoengineering.

Equally imperative and required under human rights law were measures to eradicate systemic **discrimination and barriers hampering the adaptive capacity of disproportionately impacted groups**. Respect for indigenous peoples' sovereign rights and full reparation for historical injustices must be a central pillar of policies designed to minimize loss and damage and protect livelihoods. In conclusion, **the keys to reverting climate change were in our hands**, as the international community had the legal framework and the scientific understanding to ensure livelihood resilience for all in the face of loss and damage. The only thing that was missing was the political will to deliver human rights-based responses.

Mr. Kaveh Zahedi, Director at the Office of Climate Change, Biodiversity and Environment at the World Food and Agriculture Organization (FAO), echoed worldwide worrying trends of countries facing cascading crisis, conflict, economic stagnation, growing inequalities, and climate extremes, combined with food insecurity. As over 700 million people today were still living in hunger, an agricultural lens to climate change merited the Council's attention. In 2023, nearly 72 million people faced highly acute food insecurity, primarily related to climate-related shocks. By 2023, climate change could push over 100 million people into extreme poverty.

Record-breaking temperatures and climate-related disasters, along with slow onset events, had plunged countries into a relentless battle against loss and damage. **Agricultural losses made up almost a quarter of the total economic impact of climate change** and other disasters among all sectors. Over 65% of losses caused by droughts were experienced in the agricultural sector. Over the last 30 years, an estimated **3.8 trillion US dollars worth of crops and livestock production had been lost due to disasters**, which corresponded to an average loss of about 123 billion US dollars per year. As a consequence, around 3.8 billion people - whose livelihoods were dependant on agriculture, livestock, forestry, and fisheries - were shouldering an heavy burden from climate change. According to FAO's latest findings, in an average year poor rural households lost 5% of their total income due to heat stress relative better-off households. Heat stress also widened the **income gap between female-headed and male-headed households** by almost 40 billion dollars a year.

However, **non-economic loss and damage** must not go unnoticed. These included the impact of climate change on food and knowledge systems of indigenous peoples - the very people that had been sustainably managing natural resources and conserving biodiversity - and the health impact faced by agricultural workers exposed to extreme heat or the losses associated with climate-induced migration and displacement, such as loss of traditional way of living and cultural heritage. The impacts of climate-related loss and damage on sustainable, inclusive and equitable agrifood systems and on rural people, especially women, youth, indigenous peoples and other groups in vulnerable situations, required the international community's utmost attention. To address these mounting challenges, **FAO laid out three action pathways**.

First, **promoting cross-sectoral policies** and laws to avert, minimize and address economic and non-economic loss and damage in agrifood systems. According to FAO's analysis, only one third of countries explicitly mentioned loss and damage in their climate plans. For those countries, agriculture was the single most impacted sector. Yet, rural people and their climate vulnerability were often overlooked in national climate policies. It was therefore imperative to enhance people-centred vulnerability and climate risks assessments to better account for the economic and non-economic

impacts on agriculture and rural livelihoods. The protection of the right to adequate food and other fundamental human rights needed to be firmly embedded within national climate policies.

Second, **equity-based and people-centred solutions** to strengthen inclusivity, sustainability and resilience in agrifood systems. The right to a clean, healthy and sustainable environment along with a safe and stable climate provided the very foundation for sustainable food production. A transition to sustainable, equitable, and climate-resilient agrifood system guided by human rights and the right to food for all could address both climate and food insecurity.

Third, **increasing climate finance** to avert, minimize, and address economic and non-economic loss and damage in agrifood systems. With over 70% of the people with agricultural-based livelihoods in developing countries, investing in inclusive and climate-resilient agriculture and livelihoods would mean long-term term benefits. However, climate finance was not only small, but also on the decline. Declining trends in climate finance were a missed opportunity both in terms of food security and climate. Therefore, it was fundamental for the newly established Loss and Damage Fund to allocate direct funds to vulnerable communities whose livelihoods depended on agriculture.

In conclusion, **investing in inclusive, resilient and sustainable agrifood systems** would help to address loss and damage faced by the very people on the frontlines of climate change. Mr. Zahedi expressed genuine hope and faith in the international community's concerted efforts for a just agrifood system transformation would ensure the rights of present and future generations for better production, better nutrition, better environment, and better lives.

Interactive dialogue

26 country delegations took the floor and extended their gratitude to the panellists for their valuable presentations. By expressing their strong support to a human rights-based approach to climate policies, delegations called for concerted efforts and actions to tackle the climate emergency by, among others, strengthening resilience, preparedness and response; providing adequate financial support to affected communities; and delivering capacity-building activities to the benefit of developing countries. Several delegations noted with concern the disproportionate effects of climate change on vulnerable persons, especially women, girls, and indigenous peoples, along with workers exposed to climate change effects and related income loss. For these reasons, many countries expressed strong support in favour of inclusive and gender-responsive climate policies and social security safenets.

Barbados, voicing the joint position of the Caribbean Community, evoked the persistent barriers they faced which were hindering sustainable development. The ongoing climate crisis reinforced the urgency to expedite constructive efforts in mitigation, adaptation, global stocktake and just transition. The integration of human rights principles into climate action allowed to safeguard the rights and dignity of peoples living in small islands and developing countries. CARICOM further called for the restructuring of the global financial architecture to ensure access to climate finance, the inclusion of disaster clauses in loan agreements, and investment in climate-smart agriculture and technologies.

Viet Nam, speaking on behalf of the Core Group on climate change, urged all countries to implement human-centred policies, empower local communities through education, adequate resources and adaptive strategies, and promote sustainable practices in agriculture and fishery for ensuring food securing and sustainable livelihoods. Moreover, the core group called on countries to provide adequate resources for the effective operationalization of the Loss and Damage Fund established at COP-28.

Egypt, speaking on behalf of the Arab Group, called on States to honour their commitments under climate action, especially accelerating the transition to net zero, and mitigation and adaptation measures. Moreover, the Arab Group condemned the use of heavy weaponry that caused extensive damage - including irreversible - to agricultural land, water facilities and ecosystems in Gaza. The **European Union** underscored the importance of enhancing the voices of a full, equal and meaningful participation of women and young persons in decision-making at all levels, as well as the importance of a close cooperation with civil society and the protection of environmental rights defenders, indigenous peoples, local communities, persons in vulnerable situations and their empowerment.

UNICEF emphasized that the climate crisis amounted to a child rights crisis. Children and youth had been at the forefront of the climate justice movement, standing together to demand that urgent action be taken to safeguard their future. Expressing concern over the fact that in too many instances these movements had been met with violence and repression, UNICEF urged states to ensure that freedom of expression and peaceful assembly were duly respected.

UNFPA stressed that climate change posed significant threats to SRHR and gender equality, due to the fact that during the climate crisis, sexual and reproductive services were often disrupted and female-headed households severely impacted. Heat exposure and malnutrition could increase infant and maternal mortality. UNFPA's research showed that countries most vulnerable to climate change recorded high rates of maternal mortality, child marriage and GBV. Only 38 out of 109 countries integrated sexual and reproductive health and rights into their climate policies.

NGOs welcomed the convening of the panel discussion at this very timely juncture. Most NGOs drew attention to the disproportionate and multifaceted impacts of climate change on human rights, most notably on women and girls, the poorest, and peasants, which required countries to put in place targeted and multifaceted solutions. Countries were also called upon to deliver on their promises to adequately finance the Loss and Climate Fund; allow for the free, inclusive and meaningful participation in the design of climate policies; and accelerate a just transition. **International Service for Human Rights (ISHR)** stated that States should take meaningful and targeted measures to build an economy that operated in accordance with human rights, by making sure that business activities were monitored and compliant with their responsibilities. **Centre for International Environmental Law (CIEL)** pointed out that under international human rights law, those who suffered violations were entitled to effective remedies, including reparation domestically and extraterritorially. While this right to remedy was also applicable in the context of climate harm, communities at the frontlines of the climate crisis continued to be denied this fundamental right. **Centre Europe-Tiers Monde** voiced concern over the severe impacts of climate change on rural communities, which was exacerbated by the agribusiness sector causing environmental degradation and dispossession, and monopolizing food systems for capital accumulation. From a right to development perspective, **Associazione Comunità Papa Giovanni** highlighted the centrality of the following elements to livelihood resilience: protecting and valuing peoples' social and cultural capital, notably for indigenous peoples; ensuring transparency, accountability and meaningful participation of concerned communities; adopting adequate human rights impact assessments; and ensuring access to remedy.

Delegations that took the floor during the Interactive dialogue (26 country delegations):

Tanzania, the European Union, Egypt (on behalf of the Arab Group), Viet Nam (on behalf of the Core Group on climate change), the United Arab Emirates (on behalf of a cross-regional group of countries), Barbados (on behalf of the Caribbean Community), Mexico (on behalf of a group of countries), Benin (on behalf of 14 LDC and SIDS countries), Vanuatu (on behalf of a group of countries), Azerbaijan, Lithuania, Bangladesh, the Maldives, the Gambia (on behalf of the African Group), the Democratic Republic of the Congo, Mauritius, Colombia, Timor-Leste, Cameroon, Oman, Burkina Faso, Malawi, Dominican Republic (on behalf of a group of States), Lao PDR, Sri Lanka, Antigua and Barbuda.

NHRIs and NGOs that took the floor during the Interactive dialogue (12):

International Service for Human Rights (joint statement), Centre for International Environmental Law (joint statement), Centre Europe-Tiers Monde, Terre des Hommes Fédération Internationale, Servas International, Asian-Pacific Resource and Research Centre for Women (ARROW), Institute for Human Rights, Rajasthan Samgrah Kalyan Sansthan (RSKS India), Legal Analysis and Research Public Union, Associazione Comunità Papa Giovanni, India Water Foundation, OCAPROCE International.

International Organizations (2): UNICEF, UNFPA.

To watch the full meeting refer to [UN WEB TV](#).