

Opinion of the European Economic and Social Committee on ‘Climate Justice’

(own-initiative opinion)

(2018/C 081/04)

Rapporteur: **Cillian LOHAN**

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1. Conclusions and recommendations

1.1. The concept of Climate Justice frames global climate change as a political and ethical issue and not just a strictly environmental one. It's typically viewed in a global context of spatial and temporal interdependence and recognises that the most vulnerable and poorest in society often have to suffer the greatest impact of the effects of climate change. This despite those very groups being the least responsible for the emissions that have driven the climate crisis. More broadly, in this opinion, Climate Justice recognises the need to consider the fairness of the often disproportionate impact of climate change on citizens and communities in both developing **and** developed economies.

1.2. The EESC believes that all citizens have a right to a healthy clean environment, and to expect governments to take responsibility for their national commitments and NDCs — nationally determined contributions under the Paris Agreement on the drivers of climate change and the threats of climate change, with recognition of not only the more obvious environmental and economic aspects but also the social impact.

1.3. The EESC proposes to start a debate on an EU Bill of Climate Rights that would encapsulate the rights of EU citizens and nature in the context of the challenges of the global climate change crisis. While acknowledging the EU's leadership in advocating for a robust and fair international climate regime, the EESC encourages the EU institutions and National Governments to examine the application of the principles of Climate Justice at all levels, global, European, national and community. The Semester Process could be used as a tool to deliver on this ambition. Climate Justice is about justice for both people and for the environment on which we depend — both are interlinked. In this context the EESC recalls two recent initiatives: the Global Pact for the Environment and project of the Universal Declaration of the Rights of Humankind.

1.4. Production and consumption systems must change to adapt to and to mitigate climate change. This transition will have to take place globally and in the sectorial context and the EU can play a leadership role. The most vulnerable business sectors and workers need to be identified and adequately supported. In particular, food systems and their stakeholders need to be supported in the transition. Sustainable food consumption must start at the upstream stage of soil preparation and management of natural systems in order to provide the primary building block of food. The EU should provide clear leadership promoting sustainable management and protection of soils.

1.5. The power of consumers in achieving the transition can only be harnessed when consumers have the option of sustainable ethical alternatives that do not lead to a significant reduction in convenience or quality in terms of service, usage or accessibility. Viable alternatives for consumers can be developed through the new economic models such as the Digital, Collaborative, and Circular Economy and through the international cooperation on the global, sectorial transition to these models.

1.6. Support mechanisms, including public money, economic instruments and incentives should be used to ensure that infrastructure and appropriate supports exist for consumers wishing to choose a low carbon lifestyle, including assistance for meeting the higher costs of ethical/long life/sustainable goods and services, while at the same time ensuring that competitiveness is not undermined.

1.7. Mapping the displacement of jobs in a low carbon economy needs to take place, and opportunities identified as early as possible. This will allow the most effective policies to be designed and implemented to ensure that workers are protected, and their quality of life is maintained in a just transition.

1.8. The EESC repeats its call for a European Energy Poverty Observatory⁽¹⁾ that would bring together all the stakeholders to help define European energy poverty indicators. Justice for all citizens means ensuring that clean and affordable accessible energy is supplied to everyone.

1.9. The EESC calls for an end to fossil fuel subsidies and a shift to supporting the transition to renewables.

1.10. Effective sustainability policies are dependent on ensuring that supports for transition are clearly identified, prioritised, and adequately financed. At the same time the EU must start very comprehensive international negotiations towards a global agreement that can mitigate the drivers of climate change and support a more sustainable global economic model.

2. Background/Reason for this opinion

2.1. This own initiative opinion comes in the context of the Sustainable Development Observatory Work Plan for 2017. Climate Justice is a topic that affects us all and yet there is a lack of action at EU level on it. This is an opportunity for the EESC to take a lead role and to put forward some initial proposals, especially with regard to Europe. Many aspects of climate justice need to be explored in greater depth, such as the issue of the global and individual distribution of emission allowances.

2.2. The EESC wants to take an institutional position in order to provide the view of EU organised civil society in the debate on the impact of climate change and how best to address that impact in a fair and just manner.

2.3. In the context of the internationally adopted UN Sustainable Development Goals (SDGs), the Paris Agreement and that the impacts of climate change are already being experienced, there needs to be an increased sense of urgency in delivering climate justice with concrete actions.

3. General comments

3.1. The concept of Climate Justice frames global climate change as a political and ethical issue and not just a strictly environmental one. It recognises that the most vulnerable and poorest in society often have to suffer the greatest impact of the effects of climate change. The concept is typically viewed in a global context of spatial and temporal interdependence, namely with a focus on the responsibilities of countries who have developed based on the exploitation of natural resources.

3.2. The SDGs go beyond their predecessors (MDGs) recognising mutual accountability, ownership, collective action and the need for inclusive participatory processes. While acknowledging the EU's leadership in advocating for a robust and fair international climate regime, the EESC encourages the EU institutions and National Governments to take Climate Justice action at all levels, global, European, national and community. The Semester Process could be used as a tool to deliver on this ambition. Thus, in this opinion, Climate Justice recognises the need to consider the fairness of the often disproportionate impact of climate change on citizens and communities in both developing and developed economies.

⁽¹⁾ Opinion on *For coordinated European measures to prevent and combat energy poverty*, OJ C 341, 21.11.2013, p. 21.

3.3. There is a problem of resistance to climate change policies, and the perception that they penalise the average citizen, specific sectors (e.g. agrifood or transport), or communities and individuals dependant on fossil fuels despite the benefits of such policies.

3.4. Different policy initiatives focus on sectors and areas that are greatly influenced by climate challenges, for example health, transport, agriculture, energy. Climate Justice can provide an overarching integrated approach to ensure that the transition to a low carbon economy is achieved in a fair and equitable manner.

3.5. It is important to note that Climate Justice is not just about those affected directly by the impacts of climate change but also those affected by the drivers of climate change through dependency on goods, services and lifestyles that are associated with high emissions and low resource efficiency.

4. Specific comments

4.1. Social Justice

4.1.1. The EESC believes that all citizens have a right to a healthy clean environment, and to expect governments to take responsibility for their national commitments and NDCs — nationally determined contributions under the Paris Agreement on the drivers of climate change and the threats of climate change, with recognition of not only the more obvious environmental and economic aspects but also the societal impact.

4.1.2. The EU Pillar of Social Rights is to serve as a compass for a renewed process of convergence towards better working and living conditions amongst Member States. It is based on 20 principles, many of which will be impacted either directly by climate change or indirectly by the need to transition to new economic models.

4.1.3. The EESC proposes to start a debate, in the context of Human Rights and Social Rights, on the drafting of a Bill of Climate Rights. This would encapsulate the rights of citizens and nature in the context of the challenges of the climate change crisis. In this context the EESC recalls the project of Universal Declaration of the Rights of Humankind drawn up by Corinne Lepage, with a view to the COP21 in 2015.

4.1.4. The rights of nature are now recognised in various countries around the world, through the legislative process. For example, in the Netherlands in 2015 an NGO, Urgenda Foundation, won a climate lawsuit against the government. The Dutch Supreme Court consistently upheld the principle that the government can be held legally accountable for not taking sufficient action to prevent the foreseeable harm resulting from climate change. Similar cases are being prepared in Belgium and in Norway. Moreover, initiatives such as the Global Pact for the Environment launched on 24 June 2017 address the need for a fair global environmental governance by supplementing the 'third generation of rights' via a general, cross-cutting, universal reference instrument.

4.1.5. There is a need to ensure the most vulnerable in society do not have to bear an unfair burden and that the cost of a transition to a climate responsive economic model is spread fairly across society. For example, the Polluter Pays Principle should be applied at the level of those creating the pollution and profiting from it, as opposed to the end user level in cases where no viable alternative exists. Careful and relevant application of this important principle has been previously examined by EESC ⁽²⁾.

4.1.6. There will be increased migration (including climate refugees) of all types due to displaced people ⁽³⁾. Already we have seen how ill prepared we are in the EU to deal with this, and the issue of disproportionate burdens across Member States. The EESC has already highlighted how unbalanced economic processes can add to destabilisation in this context ⁽⁴⁾.

⁽²⁾ Opinion on *The impact of the conclusions of COP21 on European transport policy*, OJ C 303; 19.8.2016, p. 10.

⁽³⁾ Opinion on *Integration of refugees in the EU*, OJ C 264, 20.7.2016, p. 19.

⁽⁴⁾ *European Consensus on Development*, OJ C 246, 28.7.2017, p. 71.

4.1.7. At EU level there is no distinct instrument applicable to ‘environmentally displaced individuals’ as found by a recent Climate Refugee study by the European Parliament. The Temporary Protection Directive is a politically cumbersome instrument to deal with any mass displacement, and the EESC supports the position that the Lisbon Treaty provides a sufficiently broad mandate to revise the immigration policy in order to regulate the status of the ‘environmentally displaced individuals’.

4.2. *Agrifood sector*

4.2.1. Food production systems and diets will change to adapt to and to mitigate climate change. All citizens are dependent on the agrifood sector, (e.g. farmers, families, those along the supply chain, consumers) and so the transition to a low carbon society should ensure those affected will be facilitated and supported in the changes. Moreover, this transition will have to take place globally and in the sectorial context and the EU can play a leadership role.

4.2.2. Climate change brings enormous challenges for European agriculture both as a driver and as a sector on the frontline of the impacts.

4.2.3. The sector needs to be redefined for its contribution to natural absorptive systems, such as ecosystem services that can alleviate some of the impact of climate change. These should be recognised and public funding, through CAP, should move towards supporting these services provided by the agri sector, as a consequence of their objective of food production. This general concept is supported in the recently adopted opinion ⁽⁵⁾.

4.2.4. Sustainable food consumption must start at the upstream stage of soil preparation and management of natural systems in order to provide the primary building block of food. The EESC highlights the the necessity to begin a debate on the need for a Soil Framework Directive, and to provide clear leadership on the importance of promoting the sustainable management and protection of soils ⁽⁶⁾. Soil protection and its role in ecosystem services are a focus for the current Estonian Presidency of the Council of the EU ⁽⁷⁾.

4.2.5. The EESC promotes the concept of a of sustainable production and consumption. Achieving consensus on the need for a change in attitudes towards meat consumption will depend on identifying opportunities and supports required to ensure a just transition for those dependant on this sector of the agrifood industry.

4.2.6. This is a sector affected also by the drivers of climate change, in particular its dependence on fossil fuels from food production, through processing, to transport and packaging. Policies need to be formulated in recognition of the ‘locked-in’ nature of the existing agri-food model, and must map an achievable route to a sustainable, climate-friendly future for farmers.

4.2.7. Environmental policies need not be in conflict with the immediate needs of the farming sector, when considered as applications of support mechanisms to facilitate the transition to a low-carbon society.

4.3. *Consumers*

4.3.1. The power of consumers in achieving the transition can only be harnessed when consumers have the option of a sustainable ethical alternative that does not lead to a significant reduction in convenience or quality in terms of service, usage or accessibility. Viable alternatives for consumers can be developed through the new economic models such as the Digital, Collaborative, and Circular Economy and through the international cooperation on the global, sectorial transition to these models.

4.3.2. Too often the polluter pays principle is misapplied and levies are forced on consumers, when they have no viable alternative available. Consumers must have the option of an alternative before pricing can be an effective instrument to drive behaviour change in the required direction.

⁽⁵⁾ Opinion on *A possible reshaping of the CAP*, OJ C 288, 31.8.2017, p. 10.

⁽⁶⁾ Opinion on *Circular Economy — fertilisers*, OJ C 389, 21.10.2016, p. 80.

⁽⁷⁾ Opinion on *Land use for sustainable food production and ecosystem services* (see page 72 of the current Official Journal).

4.3.3. The plastic bag tax is a good example of consumers facing a small tax, but having alternative options available to them — namely to bring their own bag or to use a box provided by the retailer. When applied like this, large-scale behavioural change can be achieved.

4.3.4. In contrast, taxing of fossil fuels (petrol for example) at the consumer level can cause discontent and diversion of disposable income into fuel. It can further drive a secondary illegal market, while preserving the profits of the producer of the pollutant in the first place. This is made worse by the lack of ring-fencing of such taxes in most cases. Citizens feel that climate change policies are associated with unfair penalising of those who have no alternative but to operate within the fossil fuel economy.

4.3.5. Support mechanisms, including public money and economic instruments should be invested to ensure that infrastructure and appropriate supports exist for consumers wishing to choose a low carbon lifestyle, including assistance for meeting the higher costs of ethical/long life/sustainable goods and services. This may take the form of public-private partnerships. The automobile industry is a good working example of manufacturer back financing arrangements to improve access to new cars for consumers. Similar types of support systems could be offered for other sectors, for example white goods, retro-fitting a home or business.

4.3.6. There is a climate contradiction in using public money to support and invest in systems and infrastructures that increase end user dependency on the drivers of climate change, while concurrently working to limit and manage the impacts of climate change. Consumers are on the front line of the impact of this. A choice between paying more for the polluting options or going without is not a 'just' choice to offer to citizens.

4.3.7. There is a perception that a sustainable life style, and sustainable consumption choices are only compatible with a high disposable income. Ethical, climate friendly, sustainable choices are not accessible to all equally. Pricing that incorporates the climate costs (such as resource intensity) of goods and services should be supported by a policy framework that challenges this perception and increases accessibility for all consumers.

4.3.8. EU consumer protection legislation pre-dates the 1999 UN recognition of sustainable consumption as a basic consumer right, and therefore makes no mention of it ⁽⁸⁾ The EESC repeats its call for a policy on sustainable consumption. This is especially relevant in the context of the SDGs and the Circular Economy initiative.

4.3.9. Without the alternative choice the consumer is left with no option, but forced into poverty/poor decision making/unhealthy choices/unsustainable choices and develops a dislike for 'environmental' policies that are seen to be penalising the end user. Meanwhile, those who profit from this system are not paying, but are making more money, and so the inequality increases — under the guise of environmental policy contradicting the principles of sustainability.

4.4. Labour transitions

4.4.1. It is critical to protect all workers in the transition, both those with either low or non-transferable skills and those in highly qualified positions. The most vulnerable sectors and workers need to be identified and adequately supported. The automation of jobs, as part of the low carbon economy, might lead to eradication of certain jobs ⁽⁹⁾.

4.4.2. Retraining and education are some of the means to achieving this protection. Workers whose jobs disappear as a result of climate change or as a result of the need to end dependency on the drivers of climate change should not be the ones to pay the price for this change.

⁽⁸⁾ Opinion on *Collaborative or participatory consumption: a sustainable model for the 21st century*, OJ C 177, 11.6.2014, p. 1.

⁽⁹⁾ Opinion on *The transition towards a more sustainable European future — a strategy for 2050* (see page 44 of the current Official Journal).

4.4.3. Early identification of the skills needed to allow full participation in these new economic models is one part of the solution, but equally these should be mapped in the context of existing employment and dependencies on the current unsustainable model.

4.4.4. It is important to protect and preserve communities where possible, and to facilitate the transition with the least amount of impact on well-being, both socially and economically, of those affected.

4.4.5. New opportunities are clearly identifiable in the new economic models proposed, including the Functional, Collaborative and Circular Economy. In this regard, the EU should begin the necessary international negotiations to work towards the achievement of a global economic model.

4.5. Health

4.5.1. There is a cost to health created by climate change, and the drivers of climate change. This can be measured in death and illness associated with air pollution for example and represents a cost to society as well as a cost to public healthcare systems. Public healthcare systems need to consider the role that climate change and the drivers of climate change play in their sector.

4.5.2. There is a correlation between health and well-being and access to nature (IEEP). Many Member States face health and societal challenges such as obesity, mental health issues, social exclusion, noise and air pollution, which disproportionately affect socioeconomically disadvantaged and vulnerable groups.

4.5.3. Investing in nature not only addresses climate change in terms of divestment from pollutants, but also investment in carbon storage in natural ecosystems. The consequential health benefits are twofold: prevention of increased ill health and promotion of an active lifestyle leading to improved health of citizens and communities. Recognition of this aspect assists in ensuring policy decisions are balanced, informed and evidence based.

4.6. Energy

4.6.1. Renewable energy production in terms of a % of electricity consumption has more than doubled between 2004 and 2015 in the EU (14 % to 29 %). However, in heating, buildings and industry, and in transport the energy requirements are still enormous. Progress is occurring, but from a very low base, for example the share of renewable energy in fuel consumption in transport has increased from 1 % to 6 % in the same period.

4.6.2. Energy poverty is an issue across Europe and although its meaning and context can vary from country to country, it is another example of the need to ensure climate change policies are focussed on protecting the most vulnerable.

4.6.3. The EESC repeats its call for a European Energy Poverty Observatory⁽¹⁰⁾ that would bring together all the stakeholders to help define European energy poverty indicators. Justice for all citizens means ensuring that clean and affordable accessible energy is supplied to everyone.

4.6.4. Policies that support addressing the energy poverty problem in EU can also be solutions for establishing a clean energy infrastructure and supply, by shifting subsidies and coordinating political will.

4.6.5. Policies that support fossil fuel subsidies, directly or indirectly, amount to a reversal of the polluter pays principle — the polluter is paid in these cases. Many of these subsidies are invisible to the end user but ultimately derived from public money. A recent opinion⁽¹¹⁾ has already set out the case for the cessation of environmentally harmful subsidies (EHS) in the EU, and a further opinion Mapping EU Sustainable Development policies⁽¹²⁾ highlights the need for implementation of existing commitments to remove EHS and vigorous promotion of environmental tax reform.

⁽¹⁰⁾ See footnote 1.

⁽¹¹⁾ Opinion on the *Market-based instruments towards a resource efficient and low carbon economy in the EU*; OJ C 226, 16.7.2014, p. 1.

⁽¹²⁾ Opinion on *'Sustainable development: a mapping of the EU's internal and external policies*, OJ C 487, 28.12.2016, p. 41.

4.6.6. Support should be available to all, subsidies should focus on renewables, whereas subsidies for the drivers of climate change should be phased out urgently, and exemptions should be applied in a more just manner, explicitly not to those who can most afford to pay, and not to those profiting from the pollutant. Fossil fuel subsidies are currently at a rate of \$10 million per minute globally according to the IMF. Eliminating these subsidies would raise government revenue by 3,6 % of global GDP, cut emissions by more than 20 %, cut premature death by air pollution by more than half and raise global economic welfare by \$1,8 trillion (2,2 % of global GDP). This figure highlights the unjust nature of the current system.

4.6.7. Effective sustainability policies are dependent on ensuring that supports for transition are clearly identified, prioritised, and adequately financed.

Brussels, 19 October 2017.

The President
of the European Economic and Social Committee
George DASSIS
