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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2020]

* Issued as received, in the language(s) of submission only.

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China and the United States of America must cease with grave and irreparable infringements of the right to life from the imminent climate breakdown

Focus

This statement focuses on the imminent climate breakdown and grave and irreparable injuries to the right to life that are the result of this breakdown.

The right to life and climate change

The right to life is a *jus cogens* norm under international law,¹ meaning it is a right of the highest order, which must be protected by all governments. In general, a state has an affirmative obligation to protect individuals against violations of the right to life where threats to life are foreseeable.²

Article 6 of the International Covenant on Civil and Political rights protects the right to life. The right to life is a right which should not be interpreted narrowly.³

Deprivation of life involves an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission. It goes beyond injury to bodily or mental integrity or threat thereto.⁴

State parties must respect the right to life and have the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life.⁵

The imminent breakdown of the climate system threatens current and future life

Climate change represents one of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.⁶

The unprecedented warming of the climate system will trigger a breakdown of the Earth's climate system that will increasingly render the Earth uninhabitable to human life. As of this writing, the Earth has warmed at least 1°C since 1750; and it is estimated that if humanity continues to emit greenhouse gasses at the current rate, the Earth may warm 3°C to 5°C by 2100.⁷ The Earth will keep warming past 2100 until a new homeostasis is reached — perhaps

¹ Rosalyn Higgins, 'Derogations Under Human Rights Treaties' (1977) 48 *British Yearbook of International Law* (1976-77) 281; WP Gormley, 'The Right to Life and the Rule of Non-Derogability: Peremptory Norms of Jus Cogens' in Bertrand G Ramcharan (ed), *The Right to Life in International Law* (Leduc, Martinus Nijhoff, 1995) 145.

² *General Comment NO. 31: The Nature of the General Obligation Imposed on States Parties to the Covenant* (29 March 2004) UN Doc CCPR/C/21/Rev1/Add 13, UNHRC, para 8; *Annakkaragae Sranjini Sadamali Pathmini Peiris v. Sri Lanka* (2011) UNHRC Communication No. 1862/2009, UN Doc CCPR/C/103/D/1862, para 7.2.

³ *General Comment NO. 36 (2018) on article 6 of the International Covenant on Political and Civil rights, on the right to life* (30 October 2018) UN Doc CCPR/C/GC/36, UNHRC, para 3.

⁴ *Id.* para 6.

⁵ *Id.* para 7.

⁶ *Id.* at para 62.

⁷ Press Release. *WMO climate statement: past 4 years warmest on record*, World Meteorological Organization (November 29, 2018) (on file with author).

even triggering “Hothouse Earth”⁸ — a world where sea levels are potentially 60 meters (200 feet) higher than today,⁹ and where parts of the Earth are uninhabitable.¹⁰

This breakdown of the Earth’s climate system is imminent, and may already be in progress. Urgent action by this Council is needed to help stabilize the climate and in order to preserve the right to life.

Countries that are responsible for emissions must take immediate action to stabilize the climate

While almost every industrializing and/or industrialized country today is contributing to the climate breakdown, the United States of America and China play a special role in stabilizing the climate. This is because the United States of America and China are the two largest emitters of greenhouse gas emissions, both in terms of current levels and also historic rates since 1750. They are also two of the most powerful countries today in terms of economic and military power. Both countries words are backed by the threat of civilization-ending nuclear weapons.

It is thus imperative that the United States of America and China work together to cease with their joint infringements on the right to life, and to cooperate in good faith towards immediate efforts to stabilize the climate and protect the biosphere for future generations. This includes taking climate-specific measures such as:

- Amending domestic laws to keep remaining fossil fuels in the ground and transitioning the energy system to renewable sources of energy;
- Taking immediate steps to rewild and reforest natural habitats to encourage natural resiliency;
- Developing scientific and industrial mechanisms to recapture fossil fuels to bring carbon emissions to below 270 parts per million; and
- Opening dialogue on the great people movements to come this century as billions of people flee coastlines and inhospitable parts of the Earth that are now already too late to stabilize.

More generally, the United States of America and China also have obligations to:

- Comport their international conduct within the confines of international law, including international human rights law;
- Display leadership to other countries on the issues of human rights, peace and security, and international cooperation; and
- Reflect on how their conduct today will impact the lives of human generations for hundreds of years to come.

Recommendations

The Human Rights Council must urgently call on member states, particularly historic emitters, to:

- Immediately cease and desist with emissions-producing activities;

⁸ Will Steffen, Johan Rockström, Katherine Richardson, Timothy M. Lenton, Carl Folke, Diana Liverman, Colin P. Summerhayes, Anthony D. Barnosky, Sarah E. Cornell, Michel Crucifix, Jonathan F. Donges, Ingo Fetzer, Steven J. Lade, Marten Scheffer, Ricarda Winkelmann, Hans Joachim Schellnhuber; *Trajectories of the Earth System in the Anthropocene*, Proceedings of the National Academy of Sciences Aug 2018, 115 (33) 8252-8259; DOI:10.1073/pnas.1810141115; available at <https://www.pnas.org/content/115/33/8252>.

⁹ *Id.*

¹⁰ *Id.*

- Implement national strategies to limit warming to 1.5°C by 2100;
- Render aid to each other to prepare for the shifts in the Earth's climate already in progress by implementing a just transition strategy to a post-carbon world;
- Comply with their international obligations to stabilize the climate, including but not limited to obligations imposed by the United Nations Framework Convention on Climate Change;
- Engage in good faith dialogue to preserve the right to life this century and for centuries to come.

Just Atonement Inc., Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, NGO(s) without consultative status, also share the views expressed in this statement.