

## **The International Association of Democratic Lawyers COP 26 statement**

### **Introduction**

This statement addresses the climate and biodiversity crisis and suggests solutions. The International Association of Democratic Lawyers (IADL) calls upon the States Parties attending COP 26 not only to adhere to their obligations under the Paris Agreement but go beyond the non-binding targets and achieve real zero emissions and not rely on net zero targets, as well as for Global North powers to provide climate debt reparations to the countries of the Global South, who have borne the brunt of exploitation, forced de-development and climate crisis.. The aims of the IADL include promoting the preservation of ecology and healthy environments; and defending peoples' rights to development and for conditions of economic equality and the enjoyment of the fruits of scientific progress and natural resources. We see it as essential that the climate crisis is not placed in opposition to the right of the Global South to develop. It is with these aims in mind that we submit this statement to the COP 26 Secretariat to achieve climate justice and a Just Transition for the peoples of the world.

### **About the International Association of Democratic Lawyers**

Since IADL's founding in 1946 in Paris, IADL members have participated in the struggles that have made the violation of human rights of groups and individuals and threats to international peace and security, legal issues under international law. From its inception, IADL members throughout the globe have protested racism, colonialism, and economic and political injustice wherever they interfere with legal and human rights, often at the cost of these jurists personal safety and economic well being.

IADL campaigns have led to changes in international humanitarian law like the universal acceptance of the importance of the right to self-determination and the protection of national human rights in arguments before UN bodies and international courts in a reinterpretation of the doctrine of "domestic jurisdiction," formulated in Article 2, paragraph 7 of the UN Charter, a former barrier to international action in support of those basic rights.

This global evolution led by IADL lawyers has made possible United Nations' intervention in situations of massive and institutionalized human rights abuses beginning with UN action in

the 1960's regarding South Africa's apartheid policies which had divested all human and legal rights from the black majority.

Through their efforts IADL lawyers have helped to establish fundamental concepts of international and domestic law including the declaration of apartheid as a crime against humanity; the provision of prisoner of war status to combatants from liberation movements; prohibition of the use of unilateral force by one nation against another; the recognized legal right of peoples to self-determination; the recognized legal rights of women and children; and the almost universal public policy acceptance that there should be legal remedies for racial, religious, economic and cultural discrimination and persecution.

### IADL's aims

The aims of the International Association of Democratic Lawyers, a Non-Governmental Organization (NGO) with consultative status to ECOSOC and UNESCO are:

- To facilitate contact and exchanges of views among lawyers and lawyers-associations of all countries to foster understanding and goodwill among them.
- To work together to achieve the aims set out in the Charter of the United Nations.
- To ensure common action by lawyers:
  - In the realm of law, the study and practice of the principles of democracy to encourage the maintenance of peace and cooperation among nations.
  - To restore, defend and develop democratic rights and liberties in legislation and in practice.
  - To promote the independence of all peoples and to oppose any restriction on this independence whether in law or in practice.
  - To defend and promote human and peoples' rights.
  - **To promote the preservation of ecology and healthy environments.**
  - To struggle for strict adherence to the rule of law and the independence of the judiciary and legal profession.
  - To defend peoples' rights to development and for conditions of economic equality and **the enjoyment of the fruits of scientific progress and natural resources.**

## Lack of Progress in meeting the Paris Agreement Targets

### A. IPCC report

The IPCC confirmed in August 2021<sup>1</sup> that:

- It is unequivocal that human influence has warmed the atmosphere, ocean and land.
- Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.
- The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.
- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5).
- Improved knowledge of climate processes, paleoclimate evidence and the response of the climate system to increasing radiative forcing gives a best estimate of equilibrium climate sensitivity of 3°C, with a narrower range compared to AR5.

Furthermore, in relation to possible 'Climate Futures', the IPCC suggested that:

- Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO<sub>2</sub>) and other greenhouse gas emissions occur in the coming decades.
- Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover and permafrost.

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<sup>1</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

- Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events.
- Under scenarios with increasing CO<sub>2</sub> emissions, the ocean and land carbon sinks are projected to be less effective at slowing the accumulation of CO<sub>2</sub> in the atmosphere.
- Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

The IPCC provided us with 'Climate Information for Risk Assessment and Regional Adaptation':

- Natural drivers and internal variability will modulate human-caused changes, especially at regional scales and in the near term, with little effect on centennial global warming. These modulations are important to consider in planning for the full range of possible changes. With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.
- Low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events and warming substantially larger than the assessed very likely range of future warming cannot be ruled out and are part of risk assessment.

The IPCC also provided proposals for limiting future Climate Change:

- From a physical science perspective, limiting human-induced global warming to a specific level requires limiting cumulative CO<sub>2</sub> emissions, reaching at least net zero CO<sub>2</sub> emissions, along with strong reductions in other greenhouse gas emissions. Strong, rapid and sustained reductions in CH<sub>4</sub> emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality.
- Scenarios with low or very low greenhouse gas (GHG) emissions (SSP1-1.9 and SSP1-2.6) lead within years to discernible effects on greenhouse gas and aerosol concentrations, and air quality, relative to high and very high GHG emissions scenarios

(SSP3-7.0 or SSP5-8.5). Under these contrasting scenarios, discernible differences in trends of global surface temperature would begin to emerge from natural variability within around 20 years, and over longer time periods for many other climatic impact-drivers (high confidence).

Further reports from the IPCC have been leaked but not yet published, highlighting that “the character of economic development produced by the nature of capitalist society ... [is] ultimately unsustainable.”<sup>2</sup> Delaying measures or relying on unproven technologies rather than sharp limitations or undoing of capitalist growth only threaten the future of the planet.

## B. The NDC Synthesis Report

On 17 September 2021, UN Climate Change published a synthesis of climate action plans as communicated in countries’ Nationally Determined Contributions (NDCs).<sup>3</sup> The NDC Synthesis report indicates that while there is a clear trend that greenhouse gas emissions are being reduced over time, nations must urgently redouble their climate efforts if they are to prevent global temperature increases beyond the Paris Agreement’s goal of well below 2C – ideally 1.5C – by the end of the century.

The Synthesis Report was requested by Parties to the Paris Agreement to assist them in assessing the progress of climate action ahead of the UN Climate Change Conference (COP26) this November in Glasgow, Scotland.

The report includes information from all 191 Parties to the Paris Agreement based on their latest NDCs available in the interim NDC registry as at 30 July 2021, including information from 86 updated or new NDCs submitted by 113 Parties.<sup>4</sup> The new or updated NDCs cover about 59% of Parties to the Paris Agreement and account for about 49% of global GHG emissions.

For the group of 113 Parties with new or updated NDCs, greenhouse gas emissions are projected to decrease by 12% in 2030 compared to 2010. This is a step towards the reductions identified by the Intergovernmental Panel on Climate Change (IPCC), which estimated that limiting global average temperature increases to 1.5C requires a reduction of CO2 emissions

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<sup>2</sup> See <https://mronline.org/2021/08/23/leaked-report-of-the-ipcc-reveals-that-the-growth-model-of-capitalism-is-unsustainable>

<sup>3</sup> See [https://unfccc.int/sites/default/files/resource/cma2021\\_08\\_adv\\_1.pdf](https://unfccc.int/sites/default/files/resource/cma2021_08_adv_1.pdf) and <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs>

<sup>4</sup> <https://www4.unfccc.int/sites/ndcstaging/Pages/Home.aspx>

of 45% in 2030 or a 25% reduction by 2030 to limit warming to 2C. Within the group of 113 Parties, 70 countries indicated carbon neutrality goals around the middle of the century. This goal could lead to even greater emissions reductions, of about 26% by 2030 compared to 2010. Despite some progress, the evidence remains clear that we need an emergency response by the international community akin to the response to the Covid Crisis.

### Adopting an Indigenous Peoples' worldview and solutions to the Climate and Biodiversity Crisis

IADL believes that Nature has rights in line with the Cochabamba Universal Declaration on the Rights of Mother Earth.<sup>5</sup> This Declaration was presented to the UN General Assembly in conjunction with deliberations on Living in Harmony with Nature. However, the Declaration was merely 'noted' so the IADL believes that it should be ratified by all States Parties, as such indigenous eco-centric, synergistic, and harmonious worldviews hold solutions to the climate crisis.

IADL recognises that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights. Rights of Nature is about balancing what is good for human beings against what is good for other species, and what is good for the planet as a world. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined. It is opposed to a Eurocentric view that sees rights to commodities rather than a duty and relationship with nature from people. Although the adoption by the UN Human Rights Council on 8 October 2021 of a resolution recognising the human right to a safe, clean, healthy and sustainable environment is a positive step, it is imperative that international and domestic legal frameworks also fully recognise the inherent Rights of Nature.<sup>6</sup>

Indeed, rather than treating nature as property under the law, the Rights of Nature concept acknowledges that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles. And we – the people – should have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself should be named as the injured party, with its own legal standing rights, in cases alleging rights violations.

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<sup>5</sup> <https://pwccc.wordpress.com/programa/>

<sup>6</sup> <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G21/270/15/PDF/G2127015.pdf?OpenElement>

Furthermore, in 2019 a number of small island states, including Vanuatu, raised ecocide as an issue for ‘serious consideration’ at the ICC’s annual assembly of states parties. On 22 June 2021 there was an historic agreement reached on a refined definition of ecocide, stating that it is “*unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and widespread or long term damage to the environment being caused by those acts.*”<sup>7</sup> This definition was forged by a panel of international jurists, including Elisabeth Dior Fall Sow from the UN.

The Rome Treaty and Statute in 1998 was intended to include ecocide as the 5th international crime against the peace alongside genocide, to be prosecuted at the newly established International Criminal Court in The Hague. However, vested national interests prevented this. Since then, many nations have signed up to this proposal, which alerts the world to the criminal nature of the attack on the planet’s climate, resources and environment, especially impacting Indigenous Peoples in the Global South and in parts of the Global North, such as the United States and Canada. The IADL believes that, as per the ICC Report, it is beyond doubt that time is running out and adopting the crime of ecocide will demonstrate that climate change and biodiversity loss is being taken seriously by States Parties, and that this requires legal sanctions as part of the armoury challenging exploitation and desecration. At the same time, we warn against the attempts of some parties in the global North to utilise such legal tools to enforce the de-development of the global South rather than holding accountable precisely those parties responsible for the climate crisis and the plunder of the resources of nature and the world. Such attempts - for example, efforts to prosecute Venezuelan leaders while leaving Canadian mining corporations running rampant throughout the region and U.S. promulgators of unilateral coercive measures impoverishing the Venezuelan economy untouched - only lend discredit to this legal approach.

#### International Response to the Covid Crisis<sup>8</sup>

In 2020 COVID-19 affected almost all countries and potentially infected more than 50 million people around the world. It has governments operating in a context of radical uncertainty, and faced with difficult trade-offs given the health, economic and social challenges it raises. By spring 2021, more than half of the world’s population had experienced a lockdown with strong

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<sup>7</sup> <https://www.stopecocide.earth/legal-definition>

<sup>8</sup> <https://www.oecd.org/coronavirus/policy-responses/the-territorial-impact-of-covid-19-managing-the-crisis-across-levels-of-government-d3e314e1/>

containment measures. Beyond the health and human tragedy of the coronavirus, it is now widely recognised that the pandemic triggered the most serious economic crisis since World War II. Many economies will not recover their 2019 output levels until 2022 at the earliest.<sup>9</sup> A rebound of the epidemic in autumn 2021 is increasing the uncertainty. The nature of the crisis is unprecedented: beyond the short-term repeated health and economic shocks, the long-term effects on the lives of people around the world may be long-lasting. The COVID crisis has massively accelerated some pre-existing trends, in particular digitalisation and the dominance of platform capitalism, including precarious labour and “Big Tech” monopolies. It has shaken the world, setting in motion waves of change with a wide range of possible trajectories.<sup>10</sup>

There is a strong territorial dimension to the COVID-19 crisis. Subnational governments – regions and municipalities – are at the frontline of the crisis management and recovery, and confronted by COVID-19’s asymmetric health, economic, social and fiscal impact – within countries but also among regions and local areas. For example, the health of populations in some regions is more affected than in others. Large urban areas have been hard hit, but within them deprived areas are more strongly affected than less deprived ones. Over the past 18 months, the health impact has spread towards less populated regions in some countries. In the United States for instance, the highest increase in the number of deaths occurring in October 2021 were in the rural counties not adjacent to a metropolitan area. The various risks vary greatly depending on where one lives and IADL remains concerned about the unequal distribution of vaccines to the Global South. This regionally differentiated impact calls for a territorial approach to policy responses on the health, economic, social, fiscal fronts, and for very strong inter-governmental coordination. The scarcity/abundance of vaccines in certain countries is evident and follows existing power and privilege pathways within the Global North.

Many governments at all levels have reacted quickly, applying a place-based approach to policy responses, and implementing national and subnational measures for in response to the COVID-19 crisis:

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<sup>9</sup> <https://www.oecd.org/coronavirus/policy-responses/the-territorial-impact-of-covid-19-managing-the-crisis-across-levels-of-government-d3e314e1/>

<sup>10</sup> OECD (2020), Strategic foresight for the COVID-19 crisis and beyond: Using futures thinking to design better public policies, OECD Publishing, <http://www.oecd.org/coronavirus/policy-responses/strategic-foresight-for-the-covid-19-crisis-and-beyond-using-futures-thinking-to-design-better-public-policies-c3448fa5/>.

- On the health front, many countries are adopting differentiated territorial approaches, for example on policies surrounding masks or lockdowns.
- On the socio-economic front, governments are providing massive fiscal support to protect firms, households and vulnerable populations. They have spent more than USD 12 trillion globally since March 2020. Many countries, and the EU, have reallocated public funding to crisis priorities, supporting health care, SMEs, vulnerable populations and regions particularly hit by the crisis. In addition, more two thirds of OECD countries have introduced measures to support subnational finance – on the spending and revenue side – and have relaxed fiscal rules.
- Many governments announced large investment recovery packages – already much larger than those adopted in 2008 – focusing on public investment. These investment recovery packages prioritise three areas: strengthening health systems; (ii) digitalisation; (iii) accelerating the transition to a carbon neutral economy.

### The Fossil Fuel Non-Proliferation Treaty

The Fossil Fuel Non-Proliferation Treaty Initiative is spurring international cooperation to end new development of fossil fuels, phase out existing production within the agreed climate limit of 1.5°C and develop plans to support workers, communities and countries dependent on fossil fuels to create secure and healthy livelihoods.<sup>11</sup> Cities such as Vancouver and Barcelona have already endorsed the Treaty with more considering motions to endorse. Hundreds of organisations representing thousands more individuals join the call for world leaders to stop fossil fuel expansion.

Over two thousand academics across disciplines and from 81 countries have delivered a letter demanding a Fossil Fuel Non-Proliferation Treaty to manage a global phase out of coal, oil and gas to governments gathering at the UN General Assembly (September 14-30, 2021).

In the open letter, the academics recognise that the burning of coal, oil and gas is the greatest contributor to climate change – responsible for almost 80% of carbon dioxide emissions since

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<sup>11</sup> <https://fossilfuel treaty.org/>

the industrial revolution. Furthermore, they note that, “air pollution caused by fossil fuels was responsible for almost 1 in 5 deaths worldwide in 2018.”

Despite this, national governments, including the COP26 hosts themselves, plan to expand fossil fuel production at levels that would result in around 120 percent more emissions than what is in keeping with the Paris Agreement target of 1.5°C of warming. Endorsed by 14 cities and sub-national governments, over 132,000 individuals including 2,185 scientists and academics from 81 countries, and over 700 organisations.<sup>12</sup>

This letter is worth reproducing in full:

*We, the undersigned, call on governments around the world to adopt and implement a Fossil Fuel Non-Proliferation Treaty, as a matter of urgency, to protect the lives and livelihoods of present and future generations through a global, equitable phase out of fossil fuels in line with the scientific consensus to not exceed 1.5°C of warming.*

*The fossil fuel system and its impacts are global and require a global solution. We call on governments to urgently commence negotiations to develop, adopt and implement a Fossil Fuel Non-Proliferation Treaty laying out a binding global plan to:*

- *End new expansion of fossil fuel production in line with the best available science as outlined by the Intergovernmental Panel on Climate Change (IPCC) and the United Nations Environment Programme;*
- *Phase out existing production of fossil fuels in a manner that is fair and equitable, taking into account the respective dependency of countries on fossil fuels, and their capacity to transition;*
- *Invest in a transformational plan to ensure 100% access to renewable energy globally, support fossil fuel-dependent economies to diversify away from fossil fuels, and enable people and communities across the globe to flourish through a global just transition.*

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<sup>12</sup> For the full list, see [fossilfuel treaty.org](https://fossilfuel treaty.org).

- *The scientific consensus is clear that human activities are primarily responsible for global climate change, and that the climate crisis now represents the greatest threat to human civilization and nature.<sup>13</sup> The burning of fossil fuels – coal, oil, and gas – is the greatest contributor to climate change, responsible for almost 80% of carbon dioxide emissions since the industrial revolution.<sup>14</sup>*
- *To keep warming to below the temperature goal of 1.5°C, as reflected in the scientific literature and the IPCC’s special report on 1.5°C, global greenhouse gas emissions need to be at least 45% lower globally by 2030.<sup>15</sup>*

*According to the most recent Production Gap Report, this requires an average decline in fossil fuel production of at least 6% per year between 2020-2030. However, the fossil fuel industry is planning to increase production by 2% per year. It is vital that the global transition towards a zero carbon world is equitable, based on countries’ fair share of expected climate action, their historical contribution to climate change and their capacity to act.<sup>16</sup> This means richer countries must reduce production of fossil fuels at a faster rate than poorer countries that require greater support to transition, including through the redirection of finance and subsidies from fossil fuels to renewable energy.*

*In addition to climate impacts, new research shows that the air pollution caused by fossil fuels was responsible for almost 1 in 5 deaths worldwide in 2018.<sup>17</sup> These significant health and environmental impacts are derived from the extracting, refining, transporting and burning of fossil fuels and are often borne by vulnerable and marginalised communities. At the same time, centralized, fossil fuel-generated energy*

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<sup>13</sup> World Economic Forum, “The Global Risks Report 2020,” Insight Report (World Economic Forum; Marsh & McLennan; Zurich Insurance Group; National University of Singapore; Oxford Martin School; Wharton Risk Management and Decision Processes Center, University of Pennsylvania, 2020); IPCC, “Summary for Policymakers,” in *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* (World Meteorological Organization, Geneva, Switzerland, 2018).

<sup>14</sup> Global Carbon Project (2020) “Supplemental data of Global Carbon Budget 2020 (Version 1.0)” [Data set]. From Friedlingstein et al (2020) “Global Carbon Budget 2020.” *Earth System Science Data*, 12 (4): 3269-3340.

<sup>15</sup> IPCC, above note 9.

<sup>16</sup> SEI et al., “The Production Gap: The Discrepancy between Countries’ Planned Fossil Fuel Production and Global Production Levels Consistent with Limiting Warming to 1.5°C or 2°C,” 2019; International Energy Agency, *CO2 Emissions from Fuel Combustion 2018*, OECD, 2018.

<sup>17</sup> Vohra K. et al (2021) “Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem.” *Environmental Research*, 195: 110754.

*often concentrates power and wealth into the hands of a select few, bypassing the communities in which extraction occurs.<sup>18</sup>*

*The current dominant approach to tackling climate change focuses on policies that restrict greenhouse gas emissions and the demand for fossil fuels, for example by fostering the growth of substitutes for fossil fuels such as renewable energy and electric vehicles.<sup>19</sup> But there has been limited focus on policies aimed at constraining the production and supply of fossil fuels at the source.*

*Yet efforts to reduce demand for fossil fuels will be undermined if supply continues to grow. Continued production means either that fossil fuels will continue to be burnt for energy – pushing the world towards catastrophic global warming – or that the industry and countries reliant on fossil fuels will face massive stranded assets, stranded workers, and stranded economies, as government revenue streams currently relied on for development and public sector employment and essential public services evaporate.*

*While the Paris Agreement lays an important foundation for action on the demand-side of the equation, without international cooperation and policy processes focusing on the supply of fossil fuels, countries will continue to overshoot their already insufficient emissions targets.<sup>20</sup>*

*Given the significant historical contribution of fossil fuels to climate change, and the industry's continuing expansion plans, we are calling for a solution commensurate with the scale of the problem. Phasing down coal, oil and gas in line with 1.5°C requires global cooperation, in a way that is fair, equitable and reflects countries' levels of dependence on fossil fuels, and capacities to transition. This, in turn, should be underpinned by financial resources, including technology transfer, to enable a just transition for workers and communities in developing countries and a decent life for all.*

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<sup>18</sup> Burke M and Stephens J (2018) "Political power and renewable energy futures: a critical review." Energy Research & Social Science, 35: 78-93; LDC Renewable Energy and Energy Efficiency Initiative (2017) Framework.

<sup>19</sup> Fergus Green and Richard Denniss (2018) "Cutting with both arms of the scissors: the economic and political case for restrictive supply-side climate policies." Climate Policy, 150: 73-87.

<sup>20</sup> Fergus Green and Richard Denniss (2018) "Cutting with both arms of the scissors: the economic and political case for restrictive supply-side climate policies." Climate Policy, 150: 73-87.

*In this context, we add our voices to the call from civil society, youth leaders, Indigenous Peoples, faith institutions, cities and sub-national governments for a global treaty to address fossil fuels.*

### IADL's demands

Ahead of COP 26, the IADL demands the States Parties achieve the following objectives:

1. Emergency action at a scale and at a pace commensurate with the action taken by states parties to the Covid Crisis, in line with the principle of common yet differentiated responsibilities.
2. No more fossil fuel extraction or false solutions like blue hydrogen or Carbon Capture and Storage.
3. Maintain the fight for 1.5 degrees or lower.
4. We need 'Real Zero' emission targets, not 'Net Zero' targets premised on future extraction.
5. States Parties should sign a Fossil Fuel Non-Proliferation Treaty.
6. Rejection of Carbon Markets and the associated 'carbon colonialism'.
7. Start the Justice Transition now with a sense of urgency to address the climate and biodiversity emergency.
8. Global Climate Justice: reparations and redistribution to indigenous communities and the Global South. Hydrocarbon exporters like Bolivia, Venezuela and Trinidad and Tobago are perhaps uniquely vulnerable and require reparations for centuries of unjust extraction imposed upon them by the North.
9. Fair share of effort from all rich countries.
10. Cancel the debts of Global South by all creditors. These onerous debts are a primary barrier to the Global South, especially as reparations are an economic, political and moral necessity.
11. Grant-based climate finance for the Global South.

12. Reparations for the loss and damage already happening in the Global South and indigenous communities. In 2010, Bolivia proposed a 6% transfer of OECD GDP on an annual basis from the global North to the global South as a floor for climate debt reparations. This is only a floor and not a ceiling, as climate debt is but one portion of the overall ecological debt and colonial debt owed to the Global South.<sup>21</sup>

13. End nuclear energy plans and proliferation of nuclear weapons.

14. Eliminate and dismantle the military industrial complexes of world powers, especially the permanent members of the UN and the other countries with nuclear arsenals or submarines powered by nuclear weapons as proposed in the AUKUS agreement between the UK, US and Australia. The military interventions and invasions promulgated by these powers have visited broader destruction and devastation - including ecological devastation - upon the peoples of the world, forcing other nations to develop their militaries in order to defend themselves from these powers.

15. We need emergency action to stop catastrophic climate change. Global temperature rise must be limited to 1.5°C– anything above this means that climate change is no longer just disastrous, but catastrophic. Even if governments claim this is their target, current plans don't put us anywhere near on track to achieve this.

16. It's also not just about the number, it's also about how we get there. The multiple crises we face are not going to be solved with more exploitation of people and the planet, and 'cooking the books.' Current government and corporation targets of 'Net Zero' do not mean zero emissions. Instead, they want to continue polluting while covering it up with 'carbon offsets'. We need commitments and action to achieve Real Zero. That also means no new fossil fuel investments and infrastructure at home or abroad, and saying no to Carbon Markets, and banking on risky unproven technologies that allow countries and corporations to continue polluting. No to mass afforestation schemes without community consultation and approval, "half-Earth" so-called conservation reserves at the expense of Global South peasants and Indigenous people, interventions in nutrition and reproduction in the Global South, and other unproven technologies that come at the expense of the South rather than as repayment of climate debt.

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<sup>21</sup> [http://unfccc.int/files/meetings/ad\\_hoc\\_working\\_groups/lca/application/pdf/bolivia\\_awglca10.pdf](http://unfccc.int/files/meetings/ad_hoc_working_groups/lca/application/pdf/bolivia_awglca10.pdf)

17. We call for accelerated and strengthened implementation of the Convention on the Elimination of All Forms of Discrimination against Women, Security Council Resolution 1325, and all other relevant legal instruments and treaties, as well as Agenda 2030, especially Sustainable Development Goal #5. This will help ensure that the disproportionate influence of climate change on women is addressed.

18. Human rights commitments contained in the Convention on the Rights of the Child<sup>22</sup> and the Paris Agreement make clear that States have affirmative obligations to take action to protect the rights and best interests of the child from the actual and foreseeable adverse effects of climate change. Failure to take adequate steps to prevent children from suffering foreseeable climate-related human rights harms breaches these obligations. Therefore, IADL believes that States must:

- Ensure climate mitigation and adaptation measures are the product of participatory, evidence-based decision-making processes that take into account the ideas and best interests of children as expressed by children themselves;
- Take ambitious measures to minimize the future negative impacts of climate change on children by limiting global warming to no more than 1.5 degrees Celsius above pre-industrial levels; and
- Focus adaptation measures on protecting those children most vulnerable to the impacts of climate change.

20. Implementation of the Framework Principles on the Environment and Human Rights.<sup>23</sup>

21. International recognition of the law of ecocide.

22. Rights of Nature should be recognised in all jurisdictions of the States Parties, as suggested by the UN General Assembly's Resolution on Harmony With Nature in December 2019.<sup>24</sup>

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<sup>22</sup> <https://www.unicef.org/child-rights-convention>

<sup>23</sup> <https://www.ohchr.org/en/issues/environment/srenvironment/pages/frameworkprinciplesreport.aspx>

<sup>24</sup> [https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/02/A\\_RES\\_74\\_224\\_E.pdf](https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/02/A_RES_74_224_E.pdf)

23. States Parties should develop immigration policies which properly anticipate climate migration for climate ‘refugees’<sup>25</sup> under the Geneva Convention or come to an international migration agreement that will deal with this issue at the scale that is necessary.<sup>26</sup>

24. There should be a justiciable right to food, as suggested by the work of the Office of the High Commissioner on Human Rights.<sup>27</sup>

25. There should be a justiciable right to water.<sup>28</sup> This is in line with Resolution 64/292 whereby the United Nations General Assembly explicitly recognised the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.

26. We call for accelerated and strengthened implementation of the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that the disproportionate influence of climate change on racialised groups is addressed in migrant communities in the Global North and Indigenous Peoples in the Global South.

## Conclusion

We need a Just Transition led by rural and urban workers and indigenous peoples – rewiring our system in a way that addresses injustices, poverty and inequalities. This means shifting away from the fossil fuel industry and investing in renewable energy to create decent unionised green jobs and services. Rewiring the system must centre and value care work and the protection and reproduction of nature, historically done by peoples of the Global South, rural people and indigenous people. This work is currently done predominantly by unpaid or underpaid women, migrants and people of colour - from health care to housework. But these new infrastructures and services can’t only be built in the Global North with resource extraction and human rights abuses in the Global South. Local and global justice must be at the heart of

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<sup>25</sup> <https://www.theguardian.com/world/2020/aug/31/how-helpful-is-the-term-climate-refugee>

<sup>26</sup> <https://www.theguardian.com/environment/2020/sep/09/climate-crisis-could-displace-12bn-people-by-2050-report-warns>; <https://www.visionofhumanity.org/maps/ecological-threat-register/#/>

<sup>27</sup> <https://www.ohchr.org/En/Issues/ESCR/Pages/food.aspx>

<sup>28</sup> [https://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](https://www.un.org/waterforlifedecade/human_right_to_water.shtml)

this transition, through people-owned decentralised energy systems, expansion of care services, locally sourced food, and green and affordable housing and public transport.

Climate action must be based on who has historically profited and those who have suffered. Indigenous Peoples have been at the frontline of the root causes of climate change for centuries. Indigenous Peoples, frontline communities and the Global South cannot continue to pay the price for the climate crisis, especially with the impact of rising seas on indigenous communities, while the Global North profits – in fact the loss and damage must be compensated. Each country's carbon emission reduction must be proportional to their fair share: how much they have contributed to the climate crisis through past emissions. We must cancel debts of Global South by all creditors and the rich countries must provide adequate climate reparations for those on the frontline of the climate crisis to survive. We must address the loss of lives, livelihoods and ecosystems already occurring across the world, through a collective commitment to providing reparations for the loss and damage in the Global South and indigenous communities.

The IADL has set out the demands we consider necessary as a floor and not a ceiling to attempt to avert the worst impacts of the climate and biodiversity crisis. The States Parties at COP 26 must act in a radical and ambitious manner for the future of humanity, for peace, justice, and human rights in line with the principles that helped IADL lawyers draft the Universal Declaration of Human Rights. We need system change for climate justice, rather than just reforms according to the existing dominant models of property rights and the 'sovereignty of contract law' within the world's legal systems. As the IPCC stated, this is 'Code Red' for humanity so IADL believes that emergency action is required by the States Parties akin to the Covid-19 emergency responses. Capitalism (past and present) and colonialism (past and present) have caused and continue to cause the climate and biodiversity crisis; socialist policies that respect our environment and the indigenous eco-centric, synergistic, harmonious worldviews are the answer.