



JUST ATONEMENT INC.

justice hope peace unity golden age
progress sustainability democracy freedom
human rights harmony civilization

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Just Atonement Inc. is a legal non-profit that trains new human rights defenders to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI was founded to address the challenges arising from the intersection of climate change, global peace, and threats to the rule of law and the habitability of the planet.

JAI submits this written submission with respect to the Universal Periodic Review of the United States of America (USA).

I. Introduction

1. JAI has significant concerns related to domestic breaches of human rights law in the context of the right to protest and peaceful assembly (protected by Article 21 of the ICCPR, which the USA has ratified); the conduct of the USA in its international affairs; and the failure of the USA to stop burning fossil fuels and implement a just transition to clean energy, thereby threatening a massive collapse of the climate system that could take tens of thousands of years to address, particularly if tipping points are breached at and after 1.5°C of warming.
2. The USA has been a major contributor to carbon dioxide (CO₂) emissions since the Industrial Revolution. Even today, the USA has one of the highest per capita emission rates in the world. In 2022, USA greenhouse gas emissions totaled 6,343 million metric tons of carbon dioxide equivalents.¹ This outsized contribution amplifies the USA's responsibility for addressing climate-related harm to peoples, vulnerable communities, and children around the world. The USA has withdrawn from the Paris Agreement multiple times, undermining global climate commitments.
3. This report examines three key areas in the context of climate change and international law: (1) climate change's impact on Indigenous Peoples within the USA; (2) the disproportionate harms to children worldwide; and (3) the existential threats posed to small island States caused by the USA in violation of such States' right to self-determination.

II. The Right of Self-Determination and Indigenous Peoples in the USA



4. The right to self-determination is a cornerstone of international law, enshrined in key legal instruments and directly applicable to Indigenous Peoples in the USA. Article 1 of the UN Charter affirms the principle of self-determination as a fundamental purpose of the organization: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

5. The right of peoples to self-determination is also protected by International Covenant on Civil and Political Rights (ICCPR) which the USA has ratified, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which the USA has signed in 1979 and has yet to ratify. Under common Article 1 of the ICCPR and ICESCR, “*all peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development.*”² This broad right encompasses a range of subsidiary rights, including the rights to cultural preservation, permanent sovereignty over natural resources, participation in governance, protection of territorial integrity, and the right of a people to choose its destiny in the international legal order.

6. Moreover, Article 27 of the ICCPR specifies that: “In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”³

7. As noted by the UN Human Rights Committee in *Daniel Billy et al. v. Australia*, the interpretation of Article 27 in light of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) confirms the inalienable right of Indigenous Peoples to enjoy the lands, territories, and natural resources that sustain their existence and survival as well as their cultural identity, particularly in the context of climate change impacts such as sea-level rise.⁴

8. Climate change directly threatens the realization of the right to self-determination for Indigenous Peoples in the USA. The foundational elements of this right—permanent sovereignty over natural resources, cultural integrity, and control over traditional lands—are under significant strain.

9. Rising sea levels, increased flooding, and erosion are displacing Indigenous communities, particularly in Alaska and along coastal regions. For example, the Alaskan Native village of Kivalina faces imminent relocation due to severe coastal erosion exacerbated by climate change, threatening its inhabitants’ deep cultural and spiritual ties to their ancestral land.⁵ The loss of these ties undermines both cultural integrity and the community’s ability to exercise self-determination.

10. In 2020, five Indigenous USA tribes submitted a petition to a variety of Special Procedures at the UN Human Rights Council, seeking protection of their self-determination from climate change impacts.⁶ These Special Procedures mandate holders sent a letter to the USA, requesting further information related to measures taken by the USA to protect the human rights of the Five Tribes.⁷ At this time,



however, no updates have been lodged with the UN Human Rights Council related to this communication.

11. We urge the USA to review this submission and to update the UN Human Rights Council as to the status of its efforts to protect Indigenous Peoples in the USA from climate change impacts.

12. Furthermore, Indigenous communities depend on natural resources for food, water, and traditional practices. In the Pacific Northwest, warming waters have drastically reduced salmon populations, a critical resource for tribes such as the Nez Perce people.⁸ Environmental degradation impedes the ability of these communities to exercise sovereignty over their natural resources and maintain cultural traditions tied to fishing practices.

13. Prolonged droughts and extreme weather events are undermining traditional agricultural practices in the Southwest. Tribes like the Hopi people rely on farming methods adapted to their specific environments, but changing weather patterns threaten these practices, resulting in dwindling crops.⁹ The inability to sustain these economic and cultural activities compromises their capacity to pursue social and cultural development, a key element of self-determination.

14. The right to self-determination for Indigenous Peoples in the USA is inseparable from the protection of their lands, resources, and cultural identity. Climate change presents an existential threat to these elements. The *Daniel Billy* decision from the UN Human Rights Committee underscores that States have an obligation to protect the right to self-determination by addressing the impacts of climate change. For the USA, this obligation entails implementing climate adaptation and mitigation strategies that safeguard Indigenous communities' access to their lands, territories, and resources. Failure to act risks violating not only Article 27 but also the broader framework of self-determination articulated, inter alia, in the ICCPR, the ICESCR, the UNDRIP, and general international law.

III. Children's Rights in the Context of Climate Change

15. The emissions conduct of the USA may also violate children's rights. The Convention on the Rights of the Child (CRC) is the primary international treaty safeguarding children's rights, encompassing provisions that are directly impacted by climate change. For example, Article 6 recognizes every child's "inherent right to life" and mandates states to ensure their "survival and development." Article 24 affirms the right of the child to the enjoyment of the highest attainable standard of health. Article 27 recognizes the right of every child to a standard of living adequate for their physical, mental, spiritual, moral, and social development.

16. The 2021 *Sacchi v. Argentina* decision by the UN Committee on the Rights of the Child underscores the extraterritorial obligations of states to prevent foreseeable environmental harm to children. In *Sacchi*, the Committee on the Rights of the Child concluded that States are responsible for injuries to children outside their territory



under the Convention of the Rights of the Child if they cause “significant” climate damage, have regulatory control over their emissions, and such injuries are reasonably foreseeable.¹⁰

17. In *Held v. Montana*, youth plaintiffs successfully argued that their state’s failure to consider climate impacts in energy policy violated their right to a clean and healthful environment under the Montana Constitution.¹¹

18. These decisions highlight the urgency of government action and the legal obligations the USA must fulfill with respect to children impacted by the USA’s emissions conduct. Such legal obligations include, *inter alia*, a customary obligation to protect the lives of children injured by emissions conduct, and an obligation to protect and promote a healthy environment particularly as it relates to children.

19. The damage from USA emissions has profound effects on children’s health. UNICEF highlights that every child on Earth is already exposed to increased climate hazards, with approximately 1 billion children living under extremely high risk of climate change impacts.¹²

20. Rising temperatures increase the incidence of heat-related illnesses among children.¹³ The burning of fossil fuels contributes to air pollution, which is linked to numerous health issues in children, including respiratory problems.¹⁴ Extreme weather events, such as droughts and floods, threaten food production and distribution, exacerbating food insecurity and malnutrition among vulnerable households.¹⁵ The 2023 wildfires in Hawaii and Los Angeles are recent examples of how climate-driven disasters displace families, expose children to hazardous air quality, and increase long-term health risks. Additionally, climate disasters severely disrupt education. After Hurricane Katrina, 100 out of 128 public schools were destroyed,¹⁶ leaving children without access to stable schooling for months or even years. Simultaneously, the psychological toll of natural disasters, including anxiety and post-traumatic stress, can have lasting effects on children’s mental health, particularly in the absence of adequate support systems.¹⁷ Furthermore, warming temperatures and changing precipitation patterns are expanding the range and activity of disease vectors like mosquitoes and ticks, increasing children’s risk of contracting illnesses such as Lyme disease and West Nile virus, which can have severe or even fatal consequences if untreated.¹⁸

21. The damage from USA emissions also harms children in vulnerable regions such as Sub-Saharan Africa, South Asia, and across small island States. In Bangladesh, for instance, children are at high risk amid countrywide heatwaves, facing grave risks such as heat stroke and dehydration.¹⁹ Rising sea levels, driven in large part by USA emissions, have submerged large parts of Bangladesh’s coastal regions. Families are forced to relocate, leaving children without stable access to education, healthcare, or safe housing. UNICEF reports that climate change threatens the lives and futures of over 19 million children in Bangladesh.²⁰

22. The USA, as a major historical and current emitter of greenhouse gases, bears significant responsibility for the global impacts of climate change, particularly on children. The USA must take decisive action to mitigate its emissions, support global



adaptation efforts, and ensure accountability through the ratification of the CRC and adherence to its extraterritorial obligations under international law.

23. The USA has not ratified the CRC. Nevertheless, the principles enshrined in the CRC are reinforced by customary international law and other treaties. These frameworks highlight the obligations of States to protect vulnerable populations from foreseeable harms, including those stemming from climate change.

IV. Impacts on Small Island States

24. Small island States are among the most vulnerable regions in the world to the effects of climate change. Rising sea levels, coral reef destruction, and increasing extreme weather events are threatening their existence, livelihoods, and the cultural identity of their populations.

25. The USA bears significant responsibility for these impacts, and in particular, threats to the self-determination of such small island States as recognized by the ICCPR, ICESCR, the Friendly Relations Declaration of 1970 (UNGA Resolution 2625 (XXV)), and general principles of international law.

26. Small island nations such as Tuvalu and Kiribati are at the frontline of climate change, facing rising sea levels that encroach upon their territories and threaten their very physical existence. For small island States, the land is not just a geographical space but a repository of cultural and spiritual identity. The loss of land due to rising sea levels threatens to sever ties to ancestral heritage, forcing entire populations into displacement and jeopardizing their sovereignty.

27. The Pacific island nation of Tuvalu is emblematic of how climate change threatens the self-determination of small island States. Rising sea levels, caused by global greenhouse gas emissions, jeopardize the very existence of Tuvalu, where entire communities are at risk of displacement and challenging their ability to maintain their ancestral lands, cultural heritage, and sovereignty.²¹ This infringement directly challenges the principles of self-determination enshrined in international law, which affirm peoples' rights to freely determine their political, social, and cultural development. Tuvalu is actively working to protect its sovereignty by implementing climate adaptation plans, including land reclamation projects, while also seeking legal assurances to ensure the continuity of its statehood and maritime boundaries. High-emitting states like the USA have a responsibility to provide financial and technical support to Tuvalu's adaptation initiatives, protect the statehood and sovereignty of Tuvalu, and promote and protect its self-determination, irrespective of sea-level rise and other climate change impacts. This includes, among other things, an obligation to immediately cease the burning of fossil fuels.

28. Tuvalu faces existential threats as seawater intrusion renders freshwater supplies undrinkable and coastal erosion claims vital arable land. Coral reefs, critical for both the nation's biodiversity and the livelihoods of its people, are being destroyed due to warming ocean temperatures.²² UNICEF reports that the lives of Tuvaluan children are increasingly precarious, as rising tides could force families to relocate, breaking the bond between younger generations and their ancestral roots.²³ If displacement and



forced relocation becomes inevitable, Tuvaluans risk losing their homes, cultural identity and governance structures—key components of self-determination.

29. In failing to curtail emissions, the USA is violating the right of Tuvaluans to control their destiny and preserve their cultural and territorial integrity. Protecting small island nations like Tuvalu requires robust international cooperation and accountability mechanisms and requires that high-emitting States like the USA address their role in driving climate change.

30. The USA has likely breached a variety of international legal obligations under human rights law as well as principles of common but differentiated responsibilities and respective capabilities with respect to its emissions conduct. The USA has obligations to end its emissions conduct, promote a just transition, and provide significant international assistance to vulnerable peoples who have been injured by the USA's conduct.

31. The world is at the precipice of catastrophic tipping points at and after 1.5°C of warming. Breach of these tipping points may take tens of thousands of years—or longer—to address or manage. We urge the USA to acknowledge this planetary threat and not trigger damage that could last for tens of thousands of years.

V. Recommendations

32. The USA must ensure the existence and survival of Indigenous Peoples in the face of climate change impacts. This includes ensuring the cultural integrity and political autonomy of Indigenous Peoples in the USA, as well as protecting and promoting their enduring connection to land, territories, and resources. The USA should ensure that Indigenous Peoples have the authority to manage and restore their environments in line with their cultural practices. We further urge the USA to respond to the Five Tribes' communication to the UN Human Rights Council.

33. The USA should ratify the ICESCR and CRC.

34. The USA must protect the right to health of children particularly for damage caused by climate change impacts. The USA should restore funding in climate and environmental justice programs.

35. The USA should support small island States and protect their existence and survival from climate change impacts. This includes protecting and promoting their self-determination, statehood, and sovereignty.

36. The USA must stop warming the planet through the burning of fossil fuels. The USA must cease its emissions conduct, implement a just transition, rejoin the Paris Agreement, and work in good faith to honor its international legal obligations related to climate change on the basis of equity and solidarity.

37. The USA must lead efforts to stop warming and to avoid breaching climate change tipping points at and after 1.5°of warming.



38. The USA must support and strengthen the right to protest. People in the USA must be able to lawfully exercise their right to public and political participation in the context of pressing social issues. Retaliation by the government against protestors must be strictly forbidden in accordance with law and due process. We urge the USA to honor fundamental principles of democracy and dissent.

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Endnotes

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³ *Id.* Art. 27.

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