



JUST ATONEMENT INC.

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

**Just Atonement Inc.**

119 W 24th Street, Second Floor  
New York, New York 10011

Executive Director: [Dave Inder Comar](#)  
Email: [inder@justatonement.org](mailto:inder@justatonement.org)  
Telephone: [+1 646 600 5470](tel:+16466005470)

Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

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

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Australia.

***Summary of Conclusions***

1. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** Rising temperature, sea-levels, and intensity of wildfires pose critical threat to the livelihood of the Australian population. Australia's current climate change policies are far removed from international recommendations. Without urgent action, the inherent human rights of the Australian people will be violated.



## *Analysis*

### **Australia's Climate**

#### Temperature

2. **Australia's temperature is already on an irreversible trend.** Even if global emissions are reduced to levels recommended by the IPCC, Australia's monthly temperature records will be continuously broken until 2040. If emissions remain at current levels, monthly temperature records will be set even at the end of the century.<sup>1</sup>
3. **Australia's heatwaves are becoming longer, more frequent, and more intense.** Since 1950, the annual number of record hot days across Australia has more than doubled, and the mean temperature has risen by over 1°C. In 2019, Australia had the hottest year in history with the average temperature being 1.52°C above the 1961-1990 average.

#### Drought

4. **Recent droughts have been the worst in Australia's history.** Increase in temperature and declining rainfall have worsened the effect of droughts. In 2018, Australia had the worst drought in history, which was topped by an even worse drought in 2019. Average water storage in all dams reached below 50%, and in few communities, the level reached below 3%.

#### Sea-level

5. **Sea-level continues to rise, and beaches will undergo severe erosion.** The IPCC predicts Australia's sea-level to rise from 0.7m (low-emission scenario) to 1m (high-emission scenario) by 2100. As a result, research predicts 40% of Australia's beaches to be completely eroded by 2100.<sup>2</sup>

#### Wildfire

6. **Australia's fire season is getting longer, and wildfires are becoming more extreme.** The country is exposed to risk of wildfire for 9 months of the year. Moreover, rising temperature and worsening droughts are providing more fuel for wildfires, making each fire more extreme than the last. The most recent bushfire in 2019 burned over 50 million acres – larger than the size of England – and destroyed over 6,000 homes and facilities.

---

<sup>1</sup> Scott B. Power & Francois P. D. Delage, *Setting and Smashing Extreme Temperature Records Over the Coming Century*, 9 *Nature Climate Change* 529 (2019). <https://doi.org/10.1038/s41558-019-0498-5>

<sup>2</sup> Michalis I. Voudoukas et al., *Sandy Coastlines Under Threat of Erosion*, 10 *Nature Climate Change* 260 (2020). <https://doi.org/10.1038/s41558-020-0697-0>



7. **Climate change is making extreme wildfires more likely.** Although the Australian government has been silent on the effect of climate change on wildfires, a recent scientific study confirmed that anthropogenic warming made extreme wildfires at least 30% more likely. The study also found that human activity doubled the chance of heatwaves during the fire season, which worsened the effect of wildfires.

## **Impact of Climate Change**

### Displacement

8. **Over 5 million Australians live in areas at high-to-extreme risk of wildfires or severe weather events like cyclones.** As climate conditions become hotter and drier, the area at risk is projected to increase. With rising frequency and intensity of wildfires, many home communities will be unsafe to return, leaving millions displaced.
9. **Over 85% of Australians live within 50km of the coast.** The combined effect of sea-level rise and extreme weather events could be catastrophic. Almost all of these homes are not prepared for the effects of extreme marine flooding and storms.

### Disparate Impact

10. **Temperature rise and droughts have disproportionate impact on the Aboriginal population.** Whereas the Aboriginal and Torres Strait Islanders comprise 2.8% of the total population, they comprise 30% of the population in the Northern Territory, which is by far the hottest region in Australia.
11. **The environment minister of the Northern Territory admitted that the region will become “unlivable” without government action.** For many, it is already uninhabitable. In 2019, unshaded areas reached surface temperature of over 60°C, and a majority of the aboriginal communities experienced severe water shortage. In addition, most community homes are built in concrete blocks that trap heat, and below 5% of them have adequate air-conditioning.
12. **Rising frequency and intensity of wildfires have disproportionate impact on the low-income population.** The cost of rebuilding fire-ridden homes continues to rise. First, the government has tightened building regulations on new homes, requiring more fire-resistant materials. Second, many low-income families cannot afford the rising insurance premiums in fire-risk areas. Worse yet, an increasing number of insurance companies have stopped covering homes in those areas. As a result, a disproportionate number of low-income families will be displaced.

### Impact on the Australian Economy



13. **Australia’s key infrastructure will be critically impaired by climate change.** Research shows that 226 billion AUD of infrastructure are at risk from a mere one-meter sea-level rise.<sup>3</sup> For low-lying airports in Australia, a collapse of the West Antarctic Ice Sheet would see their complete inundation.
14. **Australia’s tourism industry will be severely impacted by climate change.** As studies show, 40% of beaches will be eroded by 2100 at current emissions level. Moreover, as the ocean becomes more acidic due to higher CO2 concentrations, half of all coral in the Great Barrier Reef have already died since 2016. Disruption in transport, beach erosion, and declining biodiversity will damage the tourism industry, impacting over 580,000 employees.
15. **The cost of natural disasters will continue to rise with climate change.** As wildfires burn over a wider area and expose more people to emergency evacuation, the economic damage will also exacerbate. It is estimated that the bushfire of 2019 cost around 1 billion AUD of insurance loss alone. When indirect effects such as the impact on tourism is considered, the damage is estimated to be over 100 billion AUD.

#### Impact on Health

16. **The Australian Medical Association has declared climate change as a “health emergency.”** In Australia, heatwaves are the deadliest natural hazard, causing more deaths than bushfires, cyclones, earthquakes, and storms combined. As heatwaves become longer and more intense, the death toll will continue to rise. The Australian government projects heat related deaths to more than double in Perth between 2020-2050. Moreover, worsening droughts will result in severe water shortages and decline in agricultural output.

#### *Australia’s Climate Change Policy*

17. **Australia’s current emissions target is insufficient.** Under the Paris Agreement, Australia has set an NDC target for 2030 to reduce GHG emissions by 26-28% compared to 2005 levels. This is far removed from the IPCC recommendations to reduce emissions by 45% of 2010 levels, which is required to keep global temperature rise below 1.5°C.
18. **Australia is not even on track to meet its current target.** The UN has criticized that Australia is not on track to meet its 2030 target. Since 2013, Australia has consistently increased annual GHG emissions. With current policies, Australia’s total emissions will decrease to 7% below 2005 levels by 2030, falling well short of its target.
19. **Australia remains as the world’s largest exporter of coal and liquid natural gas.** In 2019, the government gave approval to construct a new minefield that could be the largest minefield in the world.

---

<sup>3</sup> Steffen, W., Hunter, J. *et al.* Counting the Costs: Climate Change and Coastal Flooding. *Climate Council* (2014). <http://www.climatecouncil.org.au/uploads/56812f1261b168e02032126342619dad.pdf>



20. **Australia adopts an *ex post*, rather than an *ex ante*, policy on wildfire.** The Australian government has invested in a fund to address the wildfire issue, most of which is used in post-disaster reconstruction. Although studies show that each dollar spent on mitigation is worth two dollars in post-disaster relief, the government continues to invest minimally on mitigation. In 2019, only 3% of the funds spent in response to the wildfires was used on mitigation measures.
21. **Australia's climate change policy is limited in scope.** Australia's current policy on climate change is incentive-based; the government provides subsidies to reduce emissions. In 2014, Australia repealed its carbon pricing scheme, allowing industries to increase emissions at no cost. While the government advocates that the incentive-based scheme will be sufficient, data shows that the effect of the climate fund has flattened since 2016.
22. **Australia is failing to fulfill international obligations.** Australia has one of the highest per capita CO2 emissions, with 0.28% of the world's population producing 1.3% of global emissions. Not only is Australia failing to achieve its Paris Agreement goals, but in 2019, Australia stopped its contribution to the UN's Green Climate Fund.
23. **Australia's tight immigration policy ignores the plight of neighboring island nations.** Although the UN Human Rights Committee has recognized countries' non-refoulement obligations for climate refugees,<sup>4</sup> Australia does not allow immigration for climate-induced reasons. As Pacific island nations combined contribute below 0.1% of global GHG emissions, Australia – the largest emitter in the Oceanic region – should take partial responsibility for the disproportionate impact of climate change on the Pacific island people.

### Violation of Human Rights

24. **Inadequacy of Australia's climate change policy violates citizens' right to life.** As recognized by Article 6 of the ICCPR, every human being has the inherent right to life. While the heatwaves and wildfires cause increasing number of deaths each year, the Australian government's response is abysmally insufficient to protect its citizens from the devastating effect of climate change.
25. **The Australian government's inaction to protect the people at risk of displacement violates their right to property,** guaranteed by Article 17 of the UDHR and Article 1 of the ICCPR.
26. **The Australian government's inaction to protect the people at risk of displacement violates their right to self-determination,** guaranteed by Article 1 of the ICCPR and the ICESCR.

---

<sup>4</sup> United Nations Human Rights Committee, *Views Adopted by the Committee Under Article 5 (4) of the Optional Protocol, Concerning Communication No. 2728/2016*, International Covenant on Civil and Political Rights (2020).



27. **The disparate impact of climate change on the Aboriginal and low-income population violates the equality of rights**, guaranteed by Article 1 of the UDHR and Article 3 of the ICCPR.
28. **Inadequacy of the Australian government's action violates those rights guaranteed by domestic law.** Queensland, a state in Australia, recently enacted its own Human Rights Act, which guarantees 23 fundamental human rights. Among them is the right to property, right to security of person, and the protection of families and children. Climate induced displacement violates the rights to property and security of person. In addition, children will be exposed to a world of pollution, extreme climate, and depressed economy, which violates the state's duty to protect them under the Act.

### *Recommendations*

29. **Acknowledge** the impact of rising GHG emissions on the frequency of wildfires and heatwaves. Acknowledge the impact of climate change on the livelihood of citizens.
30. **Review and amend** the national GHG emissions target to be aligned with IPCC recommendations. The Australian government should raise its 2030 target from reducing emissions by 26-28% of 2005 levels to reducing emissions by 45% of 2010 levels. A long-term target beyond 2030 should also be set to achieve net-zero emissions by 2050.
31. **Reinstate** the carbon pricing scheme in addition to the existing Emissions Reduction Fund. In order for Australia to meet the Paris Agreement obligations, industry producers must be both induced and deterred from emission.
32. **Immediately discontinue** making approvals for new coal mines, and establish strict regulations on existing coal mines. Coal produces the highest amount of CO<sub>2</sub> of all fuels, worse than diesel, gasoline, or natural gas. Regulation on the coal mining industry should be accompanied by investment in alternative fuel industries to minimize the economic impact.
33. **Reinstate** financial contributions to the UN Green Climate Fund.
34. **Acknowledge and protect** climate refugees through legislation. Coordinate with New Zealand and Pacific island nations to establish an inter-governmental system to allow displaced persons to seek asylum. Not only will Australia be a receiving state, but as wildfires become increasingly devastating, Australia will inevitably become a sending state.
35. **Enact** a national Human Rights Act, based on the Queensland Human Rights Act. Review and amend the Constitution to include the fundamental right to life (as recognized in the ICCPR) and the right to a healthy environment.

\*\*\*



## **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Jay Kim (University of Oxford 2015, Harvard Law School 2022)*

