



JUST ATONEMENT INC.

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progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

745 5th Ave, Suite 500
New York, New York 10151

Executive Director: [Dave Inder Comar](#)

Email: inder@justatonement.org

Telephone: +1 646 600 5470

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 Tuvalu.

I. Summary of Conclusions

1. Climate change and rising sea-levels have forced an existential crisis onto the nation of Tuvalu, even though Tuvalu itself has contributed only negligibly to climate change.
2. Some studies have suggested that its low-lying islands will become uninhabitable within the 21st century¹.
3. However, even if the islands do not completely succumb to sea-level rises, Tuvaluans will still face other climate-related threats to human and ecosystem well-being. These include extreme weather events, damage to fisheries and agriculture, and severe health risks.
4. All of the aforementioned threaten the rights of individual Tuvaluans, their collective right to self-determination, and the sovereignty of Tuvalu as a whole.
5. We commend Tuvalu for taking on a leadership role on the world stage by fighting climate change.
6. However, Tuvalu could protect the rights of some of its most vulnerable populations better, namely women and persons with disabilities.
7. We recommend that Tuvalu ratify the ICCPR and the ICESCR.



II. Tuvalu Has Not Contributed to Climate Change but is Profoundly Vulnerable to and Impacted by Climate Change

8. We commend Tuvalu for its dedication to combating climate change, despite its low absolute and per-capita current emissions rates. The nation emitted approximately 280,000 tons of CO₂ from fossil fuels and industry in 2020, while the total global emissions was approximately 1.7 trillion tons in 2020² (representing .000016% of total CO₂ emissions in 2020). Per capita, Tuvaluans emitted 0.9 metric tons of CO₂ in 2019³, while the world average stood much higher at 4.4 metric tons of CO₂.

9. Despite Tuvalu's negligible contribution to climate change, Tuvaluans are especially vulnerable to climate change. 97% of households in Tuvalu say they have been impacted by climate change in some way over the past 10 years.⁴

10. Tuvalu is profoundly threatened by climate change for reasons topographic, demographic, economic, and weather.

11. First, the country is made up of a few small islands, which together have a surface area of only 26 square kilometers and are, on average, less than 3 meters above sea level⁵.

12. Second, the economy of Tuvalu is unable to blunt the shocks of climate change. Less than 12,000 people live in Tuvalu⁶, and over a quarter of the population lives below the national poverty line.⁷ The primary economic activities of the country are subsistence farming and fishing⁸. The economy is heavily reliant on foreign aid and remittance payments.⁹ In fact, Tuvaluans working on short-term contracts abroad and from those living permanently outside Tuvalu make as much as 30% of GNI.¹⁰

13. Third, the country regularly faces seasonal tide-related flooding, freshwater shortages, natural disasters, and the threat of complete submersion.

III. Impacts of Climate Change: Extreme Weather Events

14. Tuvalu is at acute risk of climate-induced hazards, including but not limited to rising sea levels, cyclones, tsunamis, droughts, flooding, king tides, saltwater intrusion, and rising temperatures.¹¹ Tuvalu's low-elevation make it particularly vulnerable to water-related natural disasters.

15. Rising Temperatures. In the Tuvaluan capital of Funafuti, maximum temperatures have increased at a rate of .21°C per decade, which is consistent with a global pattern of warming.¹² Temperatures are expected to continue to increase,¹³ which could affect the viability of ecosystems, health impacts, productivity of labor, and the yield of crops, which are often disproportionately influenced by temperature extremes.¹⁴

16. Rising Sea-Levels. Not only is Tuvalu particularly vulnerable to rising sea levels, but it is also facing higher-than-average sea-level rises. As discussed, Tuvalu islands are, on average, less than 3 meters above sea-level.¹⁵ Data indicates that the water surrounding Tuvalu



has risen by over 9 cm since 1993, which is greater than the global average.¹⁶ Sea-levels surrounding Tuvalu are projected to increase by 16-58 cm by 2090,¹⁷ which severely threatens Tuvalu's coast. Tuvalu faces a potential long-term threat of permanent inundation and wave-driven flooding, and some studies have suggested that many of its low-lying islands will become uninhabitable within the 21st century because of rising sea-levels.¹⁸

17. King Floods. Tuvalu experiences catastrophic flooding events. Regional, seasonal “King Tides” wash over Tuvalu once or twice a year, eroding the coast, inundating the land, transforming productive land into swampy areas, and rendering drinking water non-potable.¹⁹ Warm water contributes to the King Tide phenomenon,²⁰ and may get worse as sea-surface temperatures surrounding Tuvalu are only set to increase.²¹

18. Coral Acidification. The acidity levels of sea waters in Tuvalu have increased, and will continue to increase over the 21st century,²² threatening Tuvalu's coral reefs.²³ Coral reefs form a key part of not only Tuvalu's economy, but also Tuvalu's natural coastal defenses to extreme weather events;²⁴ in a feedback loop, as Tuvalu's coral reefs degrade, so will Tuvalu's natural defenses to climate disasters.

19. Tropical Cyclones. Projections tend to show an increase in the proportion of the more intense storms hitting Tuvalu.²⁵ Cyclones have the potential to be catastrophic to Tuvalu, as the islands are small and surrounded by water.

20. Effects on Health Care Systems. Increased extreme weather events implicate health care by not only increasing the demand for health services, but also by damaging and disrupting key health facilities and health supply distribution processes and timelines.²⁶ In a country with only one hospital,²⁷ the risk of disruption is greater than in a country with multiple key facilities.

21. Effects on Key Infrastructure. Key national infrastructure including government buildings, utilities, and the airport lie in an area exposed to storm surge and tidal flooding, and have already been significantly damaged by previous disasters.²⁸

22. Tuvalu Should Explore Infringements on the Right to a Healthy Environment of its Citizens. The United Nations General Assembly has recognized the right to a clean, healthy, and sustainable environment in 2022.²⁹ Tuvalu should explore the contours of this right and the obligations of other States to protect this right in the context of climate change impacts currently faced by Tuvalu.

23. Tuvalu Should Explore Infringements on Economic, Social, and Cultural Rights. There are a variety of arguments that the ICESCR carries extraterritorial obligations for ratifying parties.³⁰ Tuvalu should explore whether the conduct of high-emitter nations infringes on such obligations with respect to impacts being felt in Tuvalu on economic, social, and cultural rights. We also encourage Tuvalu to ratify the ICESCR.

IV. Impacts of Climate Change: Agriculture and Fisheries



24. Food supply. Tuvalu's food supply is particularly threatened by climate change. The primary economic activities of the country are subsistence farming and fishing.³¹ As much as 80 percent of the food consumed in the capital is imported.³² Tuvalu lacks irrigation infrastructure.³³ The climate is generally unfavorable for agricultural activities.³⁴

25. Climate Change Impacts on Agriculture. Rising sea-levels are contributing to seawater infiltration, which in turn increases soil salinity. Higher soil salinity limits the range of traditional plants that can be grown in Tuvalu and reduces their agricultural yield.³⁵ This is dangerous for a population that survives off what it grows, and is physically distant from other human-inhabited places. In addition, freshwater reserves, required for productive agriculture, are already extremely limited,³⁶ and the problem is only getting worse with climate change. Increasingly prevalent drought episodes can lead to the loss of both livestock and crops.³⁷

26. Climate Change Impacts on Fisheries. Climate change has increased global ocean temperatures and is causing ocean acidification. This has negatively affected Tuvalu's coral reefs and ecosystems, which serve as fish nurseries. Both subsistence fishing and revenue-generating fishing licenses could be implicated. This will impact the means of subsistence for people in Tuvalu, their right to food, their right to life, and their right to self-determination.

V. Impacts of Climate Change: Human Health

27. Freshwater. Sea-level rise could potentially salinize potable water and groundwater reserves, threatening the water security of Tuvalu.³⁸ Freshwater is already extremely limited in Tuvalu,³⁹ and additional salinization has the potential to be catastrophic.

28. Diarrheal Diseases. Increased temperatures, drought, and rainfall are correlated with increases in reported levels of diarrheal disease in the Pacific Islands region.⁴⁰ One explanation is these effects contaminate food and water.⁴¹ Diarrheal disease is a high priority climate-sensitive health risk for Tuvalu.⁴²

29. Heat-Related Health Issues. Higher temperatures lead to an increase in heat-related health issues. While there are limited empirical studies on heat-related illnesses and symptoms in Tuvalu, climate change is expected to push global temperatures closer to a "danger-zone" of 35°C,⁴³ beyond which even a very short period of exposure can cause serious ill-health and death in humans.⁴⁴

30. Mental Health. Climate change negatively impacts mental health, especially in communities with strong identity ties and attachment to their environment, like Tuvalu.⁴⁵ A study in Tuvalu found that a "62.24 % [of the participants] reported at least one extreme indicator of distress [sadness, worry/anxiety, anger, or poor health], in response to local or abstract climate change stressors (or both) ... A high proportion of participants are experiencing psychological distress at levels that reportedly cause them impairment in one or more areas of daily life."⁴⁶

31. We encourage Tuvalu to explore whether States parties to the ICESCR have infringed upon the right to health (including mental health) and the right to an adequate



standard of living on the peoples of Tuvalu.

VI. Rights of Women

32. We applaud Tuvalu for several actions it has taken to promote and protect the rights of women. First, Tuvalu used its Tuvalu Coastal Adaptation Project to simultaneously integrate women into the economy and address adaptation goals. Recognizing that the project will generate approximately 100 jobs, and recognizing that this presents an opportunity to bolster women's participation in the workforce, the project is aiming to hire an equal number of men and women.⁴⁷

33. We commend Tuvalu for ratifying the U.N. Convention on the Elimination of All Forms of Discrimination against Women.

34. We commend Tuvalu for achieving gender parity in primary education.⁴⁸ Climate change limits girls' access to, learning in, and continuance in education in both the short and long term;⁴⁹ for example, climate change damages education infrastructure, increases the burden of disease, and reduces household income which can lead to girls' withdrawal from school.⁵⁰ Investing in girls' education, however, can address the climate crisis by reducing girls' (and subsequent generations') vulnerability to the effects of climate change through disaster preparedness, development of green skills, promotion of leadership skills, and engagement in environmental politics and civic society.⁵¹

35. We encourage Tuvalu to consider whether States parties to the ICESCR may be infringing on the right to education of girls in Tuvalu because of the failure of those States to limit greenhouse gas emissions that are impacting Tuvalu.

36. However, there are actions Tuvalu can take to bolster women's rights. Close to 27% of women in Tuvalu have reported physical and/or sexual intimate partner violence in the last 12 months, and 37% of women have reported it in a lifetime.⁵² During and after disasters, women are negatively affected more than men, due to gender inequalities and power imbalances barring access to recovery resources and relevant information.⁵³ Evidence shows that sexual and gender-based violence (SGBV) increases during and after disasters.⁵⁴ The Tuvaluan Parliament has taken steps to rectify this issue, passing the Family Protection and Domestic Violence Bill in 2014 and ratifying the U.N. Convention on the Elimination of All Forms of Discrimination against Women, but the problem is still evidently very prevalent.

37. Only one of fifteen members of Tuvalu's national Parliament is a woman.⁵⁵ Women in Tuvalu are uniquely impacted by climate change, as women's traditional workload of caring roles for immediate and extended families can more than double, specifically because caretaker errands (washing, cleaning, cooking) are more difficult due to freshwater shortage.⁵⁶ But women in Parliament are in a unique position to champion the rights of women and address issues of gender equality.⁵⁷ One action Tuvalu can undertake is to reserve a number of Parliamentary seats for women; 36 countries and nations have such quotas.⁵⁸

VII. Rights of Persons with Disabilities



38. We commend Tuvalu for signing the Convention on the Rights of Persons with Disabilities.

39. Persons with disabilities are disproportionately vulnerable to natural disasters.⁵⁹ We thus encourage Tuvalu to continue protect the rights of persons with disabilities in the context of climate change.

40. A study on the disaster-preparedness of Tuvaluan persons with disabilities found that a lack of government and familial disaster-planning, unemployment, and required evacuation assistance in the event of a disaster hindered their preparedness efforts.⁶⁰ Over 90% of participants were unemployed, which is consistent with reports on the persons with disabilities' employment rate.⁶¹ Without financial resources, persons with disabilities are not able to buy food, water, and other essential items to prepare for disasters.⁶²

41. We recommend that Tuvalu bolster and protect the rights of persons with disabilities in regard to climate risks. Studies have confirmed that by developing policies to protect the rights of persons with disabilities, improving their job opportunities, and prioritizing and responding to their needs will address inclusivity issues among general populations.⁶³ One possible way Tuvalu can rectify this gap is by incorporating the input and needs of persons with disabilities throughout the planning and implementation stages of its adaptation projects.

VIII. Threats to Culture and Self-Determination

42. Many potential migrants do not, and may not, have the means to migrate if Tuvalu becomes permanently inundated. Three-quarters of households across Tuvalu believe that their households will not have the financial means to migrate.⁶⁴ Moreover, Tuvaluans should not have to leave their ancestral homelands, and should be respected as they assert their right to culture and self-determination. Already, 8% of migrants in Tuvalu named climate change as a reason for migration decisions.⁶⁵

43. **Threats to Culture.** UNESCO has found that “the uprooting of communities due to climate change threatens entire ways of life, including the practice and transmission of living heritage. Oral traditions, performing arts, social practices, festive events and traditional knowledge, including crucial knowledge about the environment, are all vulnerable in the face of climate change.”⁶⁶ Cultural preservation is incredibly important to Tuvalu; it is one of the three pillars set out in the Tuvalu Constitution.⁶⁷ Tuvalu undoubtedly faces an existential threat. Tuvalu should explore whether States parties to the ICESCR are infringing on the right to take part or participate in cultural life recognized in Article 15 of the ICESCR.

44. **Threats to Self-Determination.** Common Article 1 of the ICCPR and the ICESCR protects the right to self-determination of all peoples. Tuvalu is particularly vulnerable due to several factors, including small population size, geographic remoteness from international markets, and their low-lying nature.⁶⁸ Permanent inundation and rising sea-levels threaten the permanent sovereignty, territorial existence, and “continued existence as independent, political communities.”⁶⁹ Displacement places a strain on a people’s ability to practice their culture and



freely engage in economic, social, and cultural development, and by extension, their right to self-determination.⁷⁰

IX. Tuvalu’s Bold Leadership in Combatting Climate Change

- 45.** We commend Tuvalu for its bold leadership in combating climate change.
- 46.** We commend Tuvalu for endorsing the Fossil Fuel Non-Proliferation Treaty in November 2022.⁷¹
- 47.** We commend Tuvalu for championing the Loss and Damage Financing facility.⁷²
- 48.** We commend Tuvalu for establishing a “Rising Nation Initiative” to preserve sovereignty and basic human rights.⁷³
- 49.** We commend Tuvalu’s role in the establishment of a Commission of Small Island States on Climate Change and International Law during COP26. The Commission is seeking an advisory opinion from the International Tribunal for the Law of the Sea concerning state responsibility for excessive greenhouse gas emissions.⁷⁴
- 50.** We commend Tuvalu’s involvement with the Pacific Islands Forum and the Organisation of African, Caribbean and Pacific States, which have verbally endorsed Vanuatu’s draft Resolution for an Advisory Opinion from the International Court of Justice (ICJ) on the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change.⁷⁵
- 51.** We recommend that Tuvalu encode Ecocide as a crime. Several states already recognize ecocide as a crime,⁷⁶ and several states are currently taking actions to recognize it as a crime.⁷⁷
- 52.** We recommend that Tuvalu ratify the ICCPR and the ICESCR.

Acknowledgements

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