



JUST ATONEMENT INC.

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Just Atonement Inc.

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Just Atonement Inc. (JAI) is an order of legal professionals who defend democracy and fight for a peaceful, sustainable world.

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

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 the Republic of Kiribati (“Kiribati”).

Summary of conclusions

1. Rising sea levels and an increase in incidents of severe storm pose a major threat to life in Kiribati, threatening the lives and homes of Kiribati citizens. **Kiribati is plainly not prepared for the effects of climate change and the imminent climate breakdown and the lives of its citizens are in grave jeopardy as a result. Urgent action is needed to forestall immediate harm to the citizens of Kiribati because of the climate breakdown.**



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Analysis

2. Kiribati is comprised of 33 atolls located in the Pacific Ocean, between Hawaii and Australia. These atolls are some of the most low-lying islands on Earth: on average, 1.8 meters above sea level. The sea level is projected to rise at least one meter within the century, which would cause significant portions of land to become submerged, and make remaining land extremely vulnerable to wave action and storms.
3. The Kiribati government lacks a coherent plan and necessary funding for appropriate infrastructure measures to address present or future impacts of sea level rise. Private citizens undertake measures to protect themselves, many building sea walls out of coral to protect their homes. Furthermore, volunteer initiatives plant mangrove trees on beaches to create a natural barrier to sea level rise.
4. The atolls are narrow, usually not more than 1.8 kilometers in width. Therefore, the area not threatened by the encroaching sea is extremely limited. Populations have increased in recent years, particularly on the larger atolls like Tarawa, and as land becomes submerged, there is little room for citizens to flee inland. Overcrowding on the atolls leads to increased spread of contagious disease, and heightened demand for limited food, water, and other resources.
5. Overpopulation on the narrow atolls is already an issue. The population is set to double over the next 20 years, and with availability of land decreasing during that time, overpopulation, disease, and overfishing are anticipated to increase as well.
6. As the sea level continues to rise, Kiribati citizens will increasingly need to relocate. Former President Anote Tong purchased land on Fiji to be available for relocation, which could provide refuge for some Kiribati citizens.
7. In refugee and asylum law, there is no recourse for Kiribati citizens fleeing sea level rise. One Kiribati citizen, Ioane Teitiota, sought asylum in New Zealand as a climate change refugee, but was deported a year later. No laws exist to provide asylum on the basis of uninhabitable climate, and this could create a serious problem if Kiribati have no recourse as sea level rise continues to destroy land and homes.



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8. Communities have already begun relocating; many more will be forced to in the next 5-10 years.
9. Kiribati has also experienced increased severe weather as a result of climate change. As an equatorial country, Kiribati is not usually vulnerable to cyclones. However, instances of severe storms have increased to roughly one every month, including the impact of Cyclone Pam in 2015.
10. Storms and floods create significant infrastructure problems. In addition to damage to homes and the need for sea walls, flood water contaminates drinking water supplies, and rising salinity causes soil to become infertile.
11. Contamination of groundwater as a result of frequent flooding presents a significant problem. A majority of citizens use wells to retrieve drinking water, and these wells become contaminated after floods. Seawater is used for bathing by many. Potable water is limited, leading to an increase in illness. Infant mortality has increased, as a result of infant diarrhea caused by consumption of contaminated water.
12. Rainwater harvesting systems have been established to address this issue, but more needs to be done. Increasing rainwater harvesting systems, importing water, and desalination plants are all possible interventions to increase the availability of potable water in Kiribati.
13. **The eventual total submersion of Kiribati into the ocean is inevitable.** Children are taught about climate change and its impact on the island in school. While many still undertake to protect their homes with sea walls and have no intention of leaving their island homes, there is a sense of futility and fear regarding the future of the nation.
14. Ideas for the preservation of the nation are few. Architects have created designs for artificial floating islands to replace those that are sinking, but such a project would be extremely costly, and well beyond the resources of the Kiribati government.
15. The projected inevitable sinking of the Kiribati atolls will create a crisis for the right to a nationality for Kiribati citizens. The future survival of the Kiribati nation, citizens, and



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culture is uncertain. The total destruction of a country's landmasses is unprecedented and will raise numerous serious questions as to the impact on that country's sovereignty and citizenry. It is unclear, for example, whether Kiribati will maintain its membership in the United Nations after its territory is lost to the ocean.

16. Accountability for those countries contributing most significantly to climate change to those bearing the brunt of its immediate impacts does not exist. The continuing massive pollution by large industrial nations will impinge the right of Kiribati and other vulnerable nations to self-determination by effectively depriving them of their ability to freely pursue their economic, social, and cultural development.
17. The continuing, knowing support of fossil fuel industries and emission of greenhouse gases by those countries contributing most to climate change violates Article 1 of the International Covenant on Civil and Political Rights, which protects the right of self-determination and to freely pursue economic, social and cultural development. It also violates Article 25 of the Universal Declaration of Human Rights, which asserts the right to a standard of living adequate for the health and well-being.

Recommendations

18. Immediate infrastructure needs could easily be addressed by allocation of funds for an organized initiative to create sea walls and otherwise protect remaining available land.
19. Provision of greater water sanitation and rainwater harvesting systems would help improve access to potable water and reduce the spread of illness, especially and the population grows, population density rises, and storms continue to contaminate groundwater.
20. It will become imperative that Kiribati citizens have a recourse to seek asylum in other countries as the atolls become submerged. Creating a basis in international law for individuals to seek asylum based on uninhabitable climate will be necessary to protect the lives of Kiribati citizens.
21. Those nations that have contributed most the climate crisis affecting Kiribati should be mutually responsible for addressing the damage. If the creation of expensive artificial islands becomes necessary to allow the nation of Kiribati to survive, then the necessary funding for such a project should be provided by those nations or by international bodies.



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22. Introducing mechanisms by which Kiribati could seek a remedy at law for the losses they have endured as a result of climate change will be necessary to provide justice to those harmed and to incentivize change. Industrial nations must be held accountable for their knowing contributions to climate change and the damage it causes.

Respectfully submitted,

/s/ Inder Comar and Julia Sanchez

of Just Atonement Inc.

