1. Submitting organization

This submission is made by Our Children’s Trust, a U.S.-based nonprofit organization that elevates the voice of young people – those with most to lose from the impacts of climate change – to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. Our Children’s Trust leads a global human rights and environmental justice legal campaign to implement court-enforced, science-based climate recovery plans to return atmospheric carbon dioxide (CO₂) concentrations to levels below 350 ppm by 2100 and secure a climate system capable of sustaining human life for future generations.

2. Scientific standard for human rights-compliant climate change mitigation

Global climate change is the most pressing ecological and human rights issue of our time. In order to protect our planet’s climate system and vital natural resources on which human survival and welfare depends, and to ensure that fundamental and inalienable human rights of young people and future generations are protected, climate policies of States must be based on the best available climate science. The best available climate science provides a prescription for climate recovery that requires states to collectively decrease atmospheric CO₂ levels to below 350 ppm by 2100 and stabilize the long-term average global temperature below 1 degree Celsius (°C) above pre-industrial levels.¹ This prescription is still economically- and technologically-feasible, although there is an increasingly-narrow window of opportunity for States to achieve the necessary emissions reductions and atmospheric carbon sequestration.²

² See James Hansen et al., Young People’s Burden: requirement of negative CO₂ emissions, 8 Earth Syst. Dynam. 577, 594 (2017); Richie Merzian, The Australia Institute, Advance Australia’s fair share: Assessing the fairness of emissions targets, at 22
The best available scientific evidence is also increasingly clear that even a 1.5°C increase in long-term average global temperature “is not considered ‘safe’ for most nations, communities, ecosystems and sectors and poses significant risks to natural and human systems as compared to the current warming of 1°C.” These risks and impacts of a world where atmospheric CO₂ concentrations do not return below 350 ppm and temperatures do not stabilize below 1°C will be disproportionately borne by society’s vulnerable populations, children being among the most vulnerable. States therefore must take mitigation actions in line with the best available science of climate protection to fulfill their obligations under the Convention on the Rights of the Child (CRC).

3. Recent evidence of State non-compliance

To begin upholding its obligations under the CRC, Australia must first discontinue its current policies that fly in the face of its international obligations and then undertake to reduce its emissions in line with the scientific evidence set out above. However, recent information – released contemporaneously with and after the Committee’s pre-sessional working group – demonstrates that Australia’s actions continue to fall short of these minimum obligations. For instance, according to the 2018 Emissions Gap report by UN Environment, Australia is not on track to achieve its 2030 Nationally Determined Contributions (NDCs) under the Paris Agreement. This

---

(See, e.g., James Hansen et al., Sustainable Development, Poverty Eradication and Reducing Inequalities, 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, at 447 (2018).)


5 James Hansen et al., Assessing “Dangerous Climate Change”: Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature, PLOS ONE 8:12, 3763 (2013), at 18, see also James E. Hansen et al., Target Atmospheric CO₂: Where Should Humanity Aim? 2 The Open Atmospheric Sci. J. 217, 217-31 (2008) (“If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, Paleoclimate evidence and ongoing climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350 ppm.”); James Hansen, Pushker Kharecha & Makiko Sato, Climate Forcing Growth Rates: Doubling Down on Our Faustian Bargain, 8 Envtl. Res. Letters 1, 7 (2013); James Hansen et al., Ice Melt, Sea Level Rise and Superstorms; Evidence from Paleoclimate Data, Climate Modelling, and Modern Observations that 2°C Global Warming Could Be Dangerous. 16 Atmos. Chem. Phys., 3761, 3801 (2015).

6 UNEP (2018). The Emissions Gap Report 2018. United Nations Environment Programme, Nairobi, at 12. (“In its NDC, Australia announced a 26-28 percent reduction below 2005 levels of GHG emissions by 2030 (UNFCCC, 2016). There has been no improvement in Australia’s climate policy since 2017 and emission levels for 2030 are projected to be well above the NDC target. The latest projection published by the government shows that emissions would remain at high levels rather than reducing in line with the 2030 target (Department of the Environment and Energy, 2017a, CAT, 2018c).”)
is made all the more concerning given that Australia’s NDC is comparatively unambitious; the Australian government intends to count “carry over credits from the 2008-2012 Kyoto Protocol against its NDC (a piece of accounting that would have the effect of halving Australia’s real-world emissions reductions); and Australia’s emissions are steadily rising each quarter.

Additionally, the Australian government has failed to make a clear commitment to transition to a renewable energy economy despite international pressure to do so. Instead, the Australian government continues to promote and incentivize its large thermal coal and LNG exports. To that end, the Australian Minister for Energy has signaled support and potential public funding for the continued existence of the Liddell coal-fired plant past its planned closure in 2022 and potential public funding for the construction of new coal-fired power stations. These actions—and refusals to act—threaten the long-term safety, health, and lives of the children living in Australia. These State actions that result in Australia sustaining high levels of greenhouse gas emissions and fossil fuel exports will ultimately undermine the Australian government’s comparatively-modest efforts to fund climate adaptation domestically and in the Asia-Pacific region.

4. Recommendations and Conclusion

Our Children’s Trust requests that the Committee:

---


10 Aliki Bia, *Fijian PM speaks out on Australia’s reliance on coal*, FBC News (Aug. 12, 2019), https://www.fbcnews.com.fj/news/fijian-pm-speaks-out-on-australias-reliance-on-coal (“I appeal to Australia to do everything possible to achieve a rapid transition from coal to energy sources that do not contribute to climate change. That transition should be just for your own people and just for us here in the Pacific, where we face an existential threat that you don’t face and challenges we expect your governments and people to more fully appreciate.”- Prime Minister of Fiji, Voreqe Bainimarama); see also Mark Diesendorf, *The Australia Institute, Renewable electricity policy for Australia*, 3 (Nov. 2018). (“A substantial majority of Australians is concerned about climate change (73%) and agrees that the Government needs to implement a plan to ensure the orderly closure of old coal plants and their replacement with clean energy (70%) within the next 20 years (67%). Furthermore, an overwhelming majority (84%) of Australians support the statement that “the government should focus on renewables, even if this means we may need to invest more in infrastructure to make the system more reliable”. Yet the Liberal National Coalition (LNC) Federal Government continues to promote coal, has a very weak greenhouse gas target (26-28% reduction) for 2030, has discarded its very weak renewable energy target (26% of electricity) for 2030, has no policies capable of driving a transition to a predominantly renewable energy future and still has legislation, stalled in the Senate, to undermine existing policies, namely to close the Australian Renewable Energy Agency (ARENA) and the Clean Energy Finance Corporation (CEFC).”)


• Express concern regarding the recent actions the Australian government has taken that contribute to ongoing high levels of greenhouse gas emissions in Australia, undermine the country’s transition towards renewable sources of energy, and jeopardize the security of the region.

• Recommend that Australia consider and apply the best available climate change mitigation science in developing policies that prioritize transitioning away from fossil fuels, particularly coal and LNG exports, and investing in an energy sector dominated by renewable energy sources like wind, solar, pumped hydro, and geothermal.

• Recommend that Australia reassess and improve its 2030 unconditional NDCs in line with the best available science and lower its quarterly emissions.

• Recommend that Australia address the particular vulnerabilities of children in its current and future policies, legislation, and programs that address climate change and its effects.

Finally, we strongly urge the Committee, through its recommendations and consistent with its mandate, articulate a standard for climate change mitigation that is protective of children’s rights under the CRC. This standard should be based on the best available science discussed above. Such a standard will provide a clear yardstick for upholding the rights of children in the face of the climate crisis, and against which State party actions can be assessed.