

# **O p e n L e t t e r**

## **to the 76th UN General Assembly**

**and to**

**UN Secretary-General António Guterres, President of the UN General Assembly Abdulla Shahid,**

**President of the UN Security Council Geraldine Byrne Nason, President of ECOSOC Munir Akram,**

**President of COP 26 Alok Sharma, Executive Director of UNEP Inger Andersen,**

**President of the International Court of Justice Joan E. Donoghue,**

**President of the International Criminal Court Chile Eboe-Osuji**

In the interest of effectively averting the further acute worsening of the climate catastrophe, and in the interest of the survival of the entire global community, it is requested that the following items be added to the provisional agenda of the 76th UN General Assembly:

1. Resolution on the recognition of the Paris Agreement as a "new ius cogens" under international law in accordance with article 53 and 64 Vienna Convention on the Law of Treaties for the fastest possible and effective legal enforcement of the Paris Agreement against conflicting international treaties with the consequence that these can be declared null and void by the International Court of Justice and thus, in particular, the legal bases for exorbitant claims for damages by corporations against states, which have so far massively impeded the implementation of the Paris Agreement, are also null and void.
2. Resolution to declare that the non-fulfilment or poor fulfilment of the Paris Agreement, and in particular the massive violation of the obligations to act under the Paris Agreement by governments, heads of corporations and/or investors, constitute the international criminal offences of (global) genocide pursuant to article 6(c) Rome Statute as well as crimes against humanity according to article 7(1)(b) Rome Statute, and to expressly mandated the International Criminal Court by the UN General Assembly to immediately initiate criminal prosecution against specific perpetrators in order to avert these global crimes - as well as to prevent them.

Resolution 1) has become possible

thanks to the most approvable withdrawal of the highly questionable draft resolution of the International Law Commission on "ius cogens", which was actually to be finally adopted at the 76th UNGA, but in which the Paris Agreement was not even intended for the list of "ius cogens" and also the legal recourse to the International Court of Justice was to be restricted.

And both resolutions are required with absolute urgency due to

- a) the highly alarming official and internal reports of the Intergovernmental Panel on Climate Change on the state of global heating, which is ultimately lethal for all human beings, and in particular on several global tipping points that have already been irreversibly crossed,
- b) the explicit warnings of the World Meteorological Organisation that the 1.5° upper limit of the Paris Agreement will be reached or exceeded already in about 2024 and that global heating to an absolutely lethal 3° to 6° and more will be unstoppable,
- c) the continued massive blocking of the fastest possible implementation of the Paris Agreement by many governments, corporations and investors,
- d) the "UN Appeal Policy", which can obviously be described as insufficient so far, is too weak and completely ineffective, especially against massive criminals,
- e) the urgent need for a decisive "qualitative leap" at COP 26 regarding the "now willingness" of all governments, corporations and investors to immediately and drastically implement the Paris Agreement to save mankind,
- f) which can finally succeed through the decision of the 76th UN General Assembly to "activate" the two instruments of international law "ius cogens" and international criminal law.

Thank You!

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