

Press release:

The "International Law Commission" commits high treason against the United Nations as well as against the whole of humanity

The heart of the United Nations and thus of all humanity is the "highest international law", called "ius cogens".

Officially, the "ius cogens" have so far been the "UN Charter" and international criminal law, today's "Rome Statute".

This heart of the world community can only beat through

1. the primacy of "ius cogens" over other international treaties under international law, as expressly laid down in Articles 53 and 64 of the Vienna Convention on the Law of Treaties
2. the primacy of „ius cogens“-values over those expressed interests in other international treaties
3. the legal consequence of the direct nullity of conflicting contracts and
4. the obligation to acknowledge the nullity or to contractually adapt these defective contracts to the higher-ranking provisions of "ius cogens".

Vienna Convention on the Law of Treaties:

<https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

This is to ensure that the very highest international law is actually implemented and not blocked and overruled by international treaties that disregard it.

In Art. 64 Vienna Convention on the Law of Treaties the further possibility of the emergence of "new ius cogens" is explicitly recognized.

The Paris Agreement of 2015 on the most urgent and priority obligations of all nations to act to limit global warming to 1.5° or well below 2° - in particular by "decarbonizing the entire world economy" as quickly as possible - has the goal of averting the acute threat of a global climate collapse and the associated extinction of all humanity.

https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

That is why the Paris Agreement, which has been negotiated since 1992 and finally unanimously agreed upon by all members of the United Nations, is without any doubt such a "new ius cogens" and possibly even the most important "ius cogens" in living memory.

The Paris Agreement as the "new ius cogens" is therefore also subject to the fact that any international treaties that conflict with it are immediately null and void and must - fundamentally - be adapted to the higher-ranking provisions of the Paris Agreement.

Since about 2014, the International Law Commission has been working on a new codification of the "ius cogens" on behalf of the UN General Assembly.

https://legal.un.org/ilc/guide/1_14.shtml

According to Art. 1 No. 1 of its statutes, the task of the International Law Commission is "the promotion of the progressive development of international law and its codification".

https://legal.un.org/ilc/guide/1_14.shtml

The progress of their work is discussed and approved with the 6th Committee of the UN General Assembly on its annual meeting and the current version of 2019 is now close to its second reading.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/024/33/PDF/N1902433.pdf?OpenElement>.

<https://undocs.org/en/A/74/10>

As part of the recodification process, the International Law Commission has attempted to define "ius cogens" more precisely and has drawn up an official list of recognized "ius cogens", which is intended to provide clarity for the governments of the UN member states, but is explicitly not exhaustive.

In this official list - even under protest from within its own ranks as well as from individual members of the 6th Committee - the hitherto undisputed first-ranking "UN Charter" was not included at all but only the diffuse formulation "basic rules of international humanitarian law".

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/024/33/PDF/N1902433.pdf?OpenElement> (at the end).

This explicit withdrawal of the official "ius cogens" status of the "UN Charter" in the context of an alleged recodification represents a highly aggressive attack on the foundations of the United Nations and must be seen as a perfidious high treason against the United Nations.

This gigantic attack on the foundations of the United Nations by the "International Law Commission" as well as the majority of the 6th Committee must therefore be immediately discussed and successfully averted at the soon to be held 75th UN General Assembly - in the entire plenary session.

In addition to the "right to self-determination", the list of recognized "ius cogens" includes a number of universally recognized norms of international criminal law, especially crimes against humanity and genocide, but not explicitly the entire "Rome Statute".

Besides the "UN Charter" and the "Rome Statute", the "Paris Agreement" as a "new ius cogens" is also missing.

A recoding of the "ius cogens" and its consequences under international law of treaties - especially in the light of the promotion of new and progressive developments in international law - is intended above all to serve as an updated guide for the governments of the member states of the United Nations in their "ius cogens"-conform treaty designs or fundamental treaty adjustments and progressive legislation.

Therefore, when drawing up the new official list of "ius cogens", the official inclusion of the "Paris Agreement" including its comprehensive and priority action commitments of "decarbonizing the world economy as quickly as possible" for the acutely needed rescue of all mankind should have been made as a "new ius cogens" under all circumstances.

It seems downright absurd that the whole world is desperately looking for ways to persuade its governments to finally implement the "Paris Agreement" they themselves have decided on as quickly as possible and that the youth of this world are now even going on a school strike and taking to the streets en masse, while the "International Law Commission", in its cheap considerations on the existence of "ius cogens", does not even mention the imperative of immediate and far-reaching climate protection, which is decisive for the survival of the entire human race, nor the "Paris Agreement" which has been concluded, and considers environmental and nature conservation and atmospheric protection as the very last point, but also does not want to include them as "ius cogens" in the official list – though it is supposed to be a working list for governments.

And while UN Secretary General António Guterres never tires of pointing out day after day in practically all his public speeches the extraordinary urgency of implementing the "Paris Agreement" as soon as possible to save all mankind, the "International Law Commission" as well as the 6th Committee of the UN General Assembly stabbed him - as well as the whole of mankind - in the back by not mentioning the "Paris Agreement" as the highly effective "new ius cogens" and concealed the grandiose international law of treaties solution of the "ius cogens" for the salvation of mankind!

For the official recognition of the "Paris Agreement" as the "new ius cogens" would - far more effective than all friendly but unheard appeals of the UN - have the harsh and highly effective consequence under international treaty law that all international treaties such as those of the WTO that are contrary to the "Paris Agreement", in particular the no longer maintainable priority of trade interests over climate protection and public welfare interests in Art. XX GATT, as well as practically all free trade agreements, since they are based on it, are absolutely null and void. They would have to be fundamentally and „ius cogens“ – adjusted, according to the Paris Agreement, the UN Charter and the Rome Statute.

For example, the European Commission is currently renegotiating the European "Energy Charter Treaty" with 52 signatory states, because in its current version it seriously violates the provisions and objectives of the "Paris Agreement" - and is therefore null and void according to Art. 53, 64 of the Vienna Convention on the Law of Treaties.

<https://www.cncd.be/policy-brief-reforming-the-energy-charter-treaty>

The obligation to redesign as well applies accordingly at all lower legislative levels, including bilateral agreements and national laws and regulations.

The continued massive destruction of the Amazon rainforest for allegedly overriding economic interests, fueled by the EU-MERCOSUR agreement and the Brazilian draft law 191/20, can no longer be justified by Jair Bolsonaro, the meat, agricultural and chemical industries and the EU Commission.

State subsidies for fossil fuels also collide massively with the "Paris Agreement" and are no longer permissible since the end of 2015, as UN Secretary General António Guterres repeatedly emphasizes.

However, the strongest instrument under international law for implementing the "Paris Agreement" as the "new ius cogens" is the consequence under international treaty law of the nullity of conflicting international treaties, since this requires a fundamental realignment of the entire world trade system based on the absolute priority of climate protection instead of the previous priority of economic and trade interests!

The official recognition of the "Paris Agreement" as the "new ius cogens" will thus make the fastest possible fundamental reorientation of the entire global economy focused on climate protection, which the Paris Agreement itself sets as a goal, highly effective.

The non-recognition of the "Paris Agreement" as an official "new ius cogens" by the International Law Commission as well as the 6th Committee represents a most serious act of high treason against the United Nations as well as the entire humanity.

The United Nations is therefore called upon to explicitly condemn this in its 75th UN General Assembly in plenary session, which is due to begin shortly, and to explicitly declare the official recognition of the "Paris Agreement" as a "new ius cogens".

Since the enormous action of the International Law Commission and the majority of the 6th Commission obviously or possibly massively impeded or prevented an effective implementation of the "Paris Agreement" or accepted it, the existence of a crime against humanity as well as aiding and abetting the attempted global genocide must be examined and official investigations must be initiated with regard to the individual members.

Within the International FridaysForFuture Movement there are discussions about demanding the immediate official recognition of the "Paris Agreement" as a "new ius cogens" by the UN General Assembly, as this would give the possibly decisive push forward to the worldwide demand for the fastest possible implementation of the "Paris Agreement".

For as a direct legal consequence, international treaties such as the massively neoliberal and profit-oriented basic treaties of the WTO and especially the economic and trade agreements based on them, which fundamentally disregard the global priority of the climate protection obligation of the Paris Agreement, massively destroy nature and thereby destroy the basis of life of mankind - as well as the latter itself - are automatically ineffective and must be fundamentally redesigned in a way that is climate-protection-focussed and oriented towards the common good.

And it is being discussed to present this demand for the recognition of the "Paris Agreement" as a "new ius cogens" exactly on September 25th, 2020 - the day of the "Global Climate Strike" - together with Greenpeace, Amnesty International, AmazonWatch, WWF, NGOs as well as all citizens of this earth with all possible emphasis - and to enforce it for the rescue of mankind as soon as possible!

Karlsruhe, September 2, 2020

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