



## Seeking an Advisory Opinion from the International Court of Justice on Human Rights and Climate Change.

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**Tackling the world's biggest problem through a human rights lens: the World's Youth for Climate Justice ("WYJC") is seeking an Advisory Opinion from the International Court of Justice, the world's highest court, to contribute to the progressive development of the inherent connection between human rights and climate change. The WYJC is seeking the support of state and non-state actors in a bid to break the deadlock on climate justice and to secure the rights of present and future generations.**

### Human rights and climate change

The link between climate change and human rights is now well established; climate change has been shown to exacerbate pre-existing inequalities and human rights challenges such as poverty, well-being, wealth inequality, gender relations, and many others,<sup>1</sup> and to affect vulnerable groups most acutely.<sup>2</sup> Many people's current and future ability to enjoy their human rights to life, water and sanitation, food, education and self-determination will be greatly diminished by the impacts of climate change, mitigation and adaptation measures. Achim Steiner, Executive Director of UNEP, remarks "(...) While the United Nations and national governments acknowledge that climate change and the responses to it can impact on human rights<sup>3</sup>, there is less agreement on the corresponding obligations of governments and private actors to address this problem."<sup>4</sup> An authoritative clarification of the 'depth of obligations' is needed.

With young people having contributed the least to climate change but increasingly facing its impacts, it is not surprising that **youth all over the world are seeking climate justice** for current and future generations. Our objectives with the ICJAO are to integrate the **nexus between climate change and human rights**, cement consensus on the scientific evidence of climate change, encourage **more ambitious action** under the Paris Agreement, provide impetus and guidance for courts on all levels, and encourage cooperation and support in climate change mitigation, adaptation and loss and damage.

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<sup>1</sup> OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights, U.N. Doc. A/HRC/ 10/61, January 15, 2009.

<sup>2</sup> Inter-American Court of Human Rights, Advisory Opinion OC-23 /17, of November 15, 2017.

<sup>3</sup> For example in the Male Declaration (2007), Cancun Agreement (2010) .

<sup>4</sup> UNEP and Sabin Center for Climate Change Law (Columbia Law School), 'Climate Change And Human Rights' (United Nations Environment Programme 2015) <[https://web.law.columbia.edu/sites/default/files/microsites/climate-change/climate\\_change\\_and\\_human\\_rights.pdf](https://web.law.columbia.edu/sites/default/files/microsites/climate-change/climate_change_and_human_rights.pdf)> accessed 24 November 2020, 8.

## The Advisory Opinion

The influence of international courts typically resides not in the coercive enforceability of judgements but instead in the moral and legal authority carried by the considered views of a respected judicial body. The ICJ is the highest court in the world and an ICJ Advisory Opinion would apply to all member states of the United Nations ("UN").<sup>5</sup> An Advisory Opinion could contribute to increased state responsibility for climate change by translating through regional and domestic adjudications. An ICJ Advisory Opinion on climate change is one powerful method through which parties to the Paris Agreement may be further encouraged to commit to more ambitious Nationally Determined Contributions, and hence lead to a livable planet. We hope for the ICJAO to become a conversation starter, the spark for more ambitious human-rights centered climate action and an authoritative analysis on existing obligations under international law, so far scattered across different sources of international law.

Recent judgements, such as of the Urgenda-case decided by the Dutch Supreme Court<sup>6</sup> and the advisory opinion of the Inter-American Court on *The Environment and Human Rights*<sup>7</sup> indicate that there are pathways opening in international law towards overcoming previous jurisprudential roadblocks.<sup>8</sup>

## Requesting an advisory opinion

Organs of the UN and UN specialised agencies are eligible to request an advisory opinion from the ICJ.<sup>9</sup> The UN General Assembly ("UNGA") and the Security Council may request an advisory opinion in respect of 'any legal question'. We aim to request an advisory opinion through the UNGA. We believe requesting the Advisory Opinion is of interest to youth and citizens around the world. We are therefore working towards securing global state and non-state stakeholder support for the ICJAO. At the UN, we have the support of the High Commission for Human Rights<sup>10</sup> and United Nations Special Rapporteur on Human Rights and Climate Change, David Boyd.

## We, Youth of the World

Youth groups and individuals all around the world are uniting to bring attention to the positive impacts of an Advisory Opinion. We are spreading the word by story-telling in our communities, communicating with our governments, and peer-educating on the role of international law and the inherent connection between climate change and human rights. For more stories please visit [www.wy4cj.org](http://www.wy4cj.org).

**We, the World's Youth, are hopeful on this journey to the International Court of Justice to secure the human rights of present and future generations. We hope to see you stand with us.**

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<sup>5</sup> Article 93 para. 1 Charter of the United Nations.

<sup>6</sup> ECLI:NL:HR:2019:2007 (Urgenda).

<sup>7</sup> [1996] ICJ Rep 226; Written statements by the United States.

<sup>8</sup> Campbell-Durufflé C, and Atapattu S, 'The Inter-American Court'S Environment And Human Rights Advisory Opinion: Implications For International Climate Law' (2018) 8 Climate Law.

<sup>9</sup> Article 96 Charter of the United Nations and article 65(1) of the Statute of the International Court of Justice.

<sup>10</sup> For a complete overview, see <https://wy4cj.org/friends-of-the-initiative>.