

IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
ARUSHA, UNITED REPUBLIC OF TANZANIA

APPLICATION NO 001/2025

IN THE MATTER OF A REQUEST BY THE PAN AFRICAN LAWYERS UNION FOR AN
ADVISORY OPINION ON THE OBLIGATIONS OF STATES WITH RESPECT TO THE
CLIMATE CHANGE CRISIS

AMICUS CURIAE BRIEF

filed by

Center for Human Rights and Environment (CHRE)

*Fast Action on Climate to Ensure Intergenerational Justice
(FACE Intergenerational Justice or FACE)*

African Initiative on Food Security and Environment (AIFE-Uganda)

Black Girls Rising (BGR)

*Congolese Union for Nature Conservation and Sustainable Development
(UCCND ASBL)*

Earth Co-Existence Initiative (ECI)

Jeunes Volontaires pour l'Environnement Sénégal (JVE Sénégal)

Juristes pour l'Environnement au Congo (JUREC)

Strategic Youth Network for Development (SYND)

Youth for Climate Morocco (Y4CM)

***30 March 2026**

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EXECUTIVE SUMMARY

1 The Center for Human Rights and Environment (CHRE), Fast Action on Climate to Ensure Intergenerational Justice (FACE Intergenerational Justice or FACE), African Initiative on Food Security and Environment (AIFE-Uganda), Black Girls Rising (BGR), Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL), Earth Co-Existence Initiative (ECI), Jeunes Volontaires pour l’Environnement Sénégal (JVE Sénégal), Juristes pour l’Environnement au Congo (JUREC), Strategic Youth Network for Development (SYND), and Youth for Climate Morocco (Y4CM) (together, “the *Amici*”) submit this *amicus curiae* brief to assist the African Court on Human and Peoples’ Rights in the matter of the request for an advisory opinion on the obligations of States with respect to the climate change crisis by the Pan African Lawyers Union, No. 001/2025 (“the Request”).

1.1 These observations are submitted following the *Amici*’s Application for Leave to be Admitted as Amicus Curiae, made under Rule 84(2) of the Rules of the African Court on Human and Peoples’ Rights, which was submitted via email to the Registry of the African Court on Human and Peoples’ Rights on February 28, 2026 and confirmed by the Registry on March 5, 2026. This brief will address questions 94(a)–(g) of the Request.

2 Children, youth, and future generations are among the most vulnerable to the adverse effects of the climate crisis, both in terms of their heightened exposure to present harms, and the disproportionate burden they will bear from future impacts. In light of this, the *Amici* respectfully urge this Court, in the exercise of its advisory jurisdiction, to be guided by the perspectives and lived experiences of young people when interpreting States’ human rights obligations under the African Charter on Human and Peoples’ Rights (African Charter) in the context of the climate change crisis. This includes taking into account how climate change is already affecting children’s and youth’s rights and life prospects, as well as identifying the measures required to prevent permanent and irreversible harm to the critical ecosystems upon which those rights depend. Ensuring that future generations do not bear a disproportionate share of the consequences of present inaction is inseparable from States’ obligations to respect, protect, and fulfil Africans’ human rights under the Charter. This Request presents an extraordinary opportunity for this Honorable Court to articulate these obligations in a manner that reflects intergenerational climate justice and safeguards the rights of present and future generations of children and youth.

2.1 Through a jointly submitted brief the *Amici* (**Appendix I**) seek to present the perspective of young people on a science-based and intergenerational climate justice-based approach to States’ human rights obligations in the face of the climate crisis.

- 2.2 Additionally, the *Amici* have collected the stories of young Africans, and included them within this brief so their urgent and passionate pleas for climate action may be heard by this Court, and so that this Court may be guided by their perspectives (**Appendix II**).
 - 2.3 Finally, the *Amici* have compiled a list of abbreviations used in this *amicus* brief for the Court's reference (**Appendix III**).
 - 3 The scientific evidence is unequivocal: we are experiencing a climate change crisis (Section I).
 - 3.1 Scientific evidence confirms that the planet is warming at an accelerating rate from human-caused greenhouse gas emissions (**Section I.A.i.**), causing severe and widespread climate impacts (**Section I.A.ii.**) that disproportionately harm Africa (**Section I.A.iii.**). Failing to act immediately presents catastrophic risks of crossing irreversible tipping points that would commit human and natural systems to abrupt changes beyond our capacity to adapt. To avoid the most severe and destabilising impacts of climate change, urgent, large-scale action to slow the rate of warming in the near-term is critical to keep global temperature rise within the 1.5 °C guardrail with limited overshoot (**Section I.A.iv.**).
 - 3.2 However, States so far have failed to take the necessary steps to ensure the world does not breach 1.5 °C (**Section I.B.i.**). Without fast mitigation measures to slow near-term warming now, we may need to rely on dangerous and unproven technologies later (**Section I.B.ii.**). Further, adaptation to climate change by itself is not a viable substitute for mitigation (**Section I.B.iii.**), and mitigation that only focuses on decarbonization is insufficient by itself (**Section I.B.iv.**). Therefore, fast mitigation in the form of cutting super climate pollutants and protecting carbon sinks is the most effective way to slow near-term warming and secure intergenerational climate justice (**Section I.B.v.**).
- 4 The three landmark climate advisory opinions by the International Tribunal for the Law of the Sea, the Inter-American Court of Human Rights, and the International Court of Justice offer important and authoritative guidance for this Court in interpreting States' human rights obligations under the African Charter to protect the rights of African children, youth, and future generations from climate change impacts and risks (**Section II**).
 - 4.1 Children, youth, and future generations are disproportionately harmed by, and vulnerable to, climate change (**Section II.A.i.**), with children and youth in Africa facing particularly acute impacts (**Section II.A.ii.**); this in turn requires African States to provide differentiated protections for children and youth in the face of the climate change crisis to ensure that they uphold their human rights obligations under the African Charter (**Section II.A.iii.**).

- 4.2 Climate change has already impaired, and continues to endanger, the human rights of children, youth, and future generations, including fundamental rights that are especially under threat: the rights of the child, the right to a satisfactory environment conducive to development, the right to life, the right to health, the right to education, and the right to economic, social and cultural development (**Sections II.B.i.–vi.**).
- 4.3 An intergenerational climate justice-based approach to States’ obligations under the African Charter is essential to protect the rights of African children, youth, and future generations from climate change impacts and risks. Through the pillars of the principles of intergenerational equity and common but differentiated responsibilities and respective capacities, this overarching framework must be informed by the principles of intra-generational equity, precaution, and sustainable development (**Sections II.C.i.–ii.**) and grounded in the best available science (**Section II.C.iii.**). Together, these principles reinforce the obligation that an intergenerational climate justice approach necessitates immediate mitigation measures (**Section II.C.iv.**).
- 4.4 Therefore, States are required, under their binding human rights obligations, to take immediate, ambitious, and robust mitigation measures consistent with ensuring that global warming is limited to the 1.5 °C guardrail with limited overshoot. Under an intergenerational climate justice approach to States’ obligations, failure to do so would constitute a violation of the human rights of African children, youth, and future generations. These mitigation measures must take the form of: (i) an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization and (ii) emergency measures that slow the rate of warming in the near-term—i.e., fast mitigation—in the form of cutting super climate pollutants, which include the SLCPs methane, hydrofluorocarbon, tropospheric ozone, and black carbon, and the longer-lived N₂O, as well as protecting natural carbon sinks (**Section II.D.**).
- 5 In addition to mitigation obligations, the systematic exclusion of children, youth, and future generations from institutional processes that define the environmental, social, and economic conditions of their lifetimes imposes obligations on States to ensure access to justice for African children, youth, and future generations in the context of the climate change crisis (**Section III.**).
- 5.1 African children, youth, and future generations lack access to justice, as they are both excluded from decision-making processes, and unable to obtain sufficient remedies or administrative responses (**Section III.A.**).
- 5.2 The human rights of African children, youth, and future generations that are most pertinent to ensuring their access to justice in the climate change crisis include the right to the best

available science and knowledge, the right of access to information, the right of participation, and the right to effective judicial remedies (**Sections III.B.i.–iv.**).

- 5.3 An intergenerational climate justice-based approach to States’ obligations under the African Charter and other relevant instruments must be taken to ensure access to justice for African children, youth, and future generations, which necessitates recognition of the legacies of injustice and colonialism in Africa (**Section III.C.i.**) grounding in reparatory justice (**Section III.C.ii.**) and commitment to transformative justice (**Section III.C.iii.**). Together, these foundations reinforce the obligation that an intergenerational climate justice approach necessitates States’ implementation of procedural measures to ensure access to justice for African children, youth and future generations, which effectuate meaningful youth participation both in decision-making forums and in securing justice in the courtroom.
- 5.4 States are therefore required under their human rights obligations to provide access to justice for African children, youth, and future generations to ensure that the failures of present-day decision-making and inaccessibility in the courtroom do not shift disproportionate burdens and irreversible harms onto today’s children and youth and future generations (**Section III.D.**).

RECOMMENDATIONS

- 6 Taking into consideration the authoritative interpretations of the International Court of Justice, Inter-American Court of Human Rights, and International Tribunal for the Law of the Sea, as well as the particular vulnerabilities of children, youth, and future generations—especially within the African continent—in the context of the climate crisis, the *Amici* respectfully submit the following recommendations, aligned with the questions (a)–(g) within paragraph 94 of the request:
- 6.1 **Intergenerational Climate Justice as an Overarching Approach to States’ Human Rights Obligations.** The *Amici* respectfully request that the Court recognise intergenerational climate justice as an overarching approach which informs the interpretation and application of all States’ human rights obligations under the African Charter. Such an approach would embed intergenerational climate justice as a mandatory obligation in States’ human rights duties, requiring its full incorporation into both law and policy implementation.
- 6.2 **Differentiated Protections for Vulnerable Groups.** The *Amici* respectfully request that the Court recognise that the disproportionate impacts of climate change on children and

youth trigger heightened and differentiated protection obligations under the African Charter. Accordingly, States must prioritise the rights and best interests of these groups in all climate-related decision-making, policies, and implementation measures.

- 6.3 **Obligation to Prevent Irreversible Harm to the Climate System.** The *Amici* respectfully request that the Court to affirm that States have an obligation under the African Charter to prevent irreversible harm to the climate system and planetary equilibrium to effectively protect children, youth, and future generations. This obligation requires States to abandon inadequate mitigation approaches and adopt measures consistent with limiting global warming to keeping 1.5 °C in sight with limited overshoot, in accordance with the best available scientific evidence; this also conforms with the intergenerational climate justice approach.
- 6.4 **Content of Effective Mitigation Obligations to Protect Children, Youth, and Future Generations.** In particular, the *Amici* submit that this obligation requires States to: (i) undertake an urgent structural transformation of energy, agricultural, and industrial systems towards rapid decarbonisation; and (ii) adopt immediate measures to slow near-term warming, including the accelerated reduction of the short-lived climate pollutants such as methane, hydrofluorocarbons, tropospheric ozone, and black carbon, as well as the longer-lived nitrous oxide, while simultaneously protecting and restoring natural carbon sinks. Such measures are necessary to give effect to States’ human rights obligations under the African Charter, particularly in light of the disproportionate and escalating risks posed by climate change to children, youth, and future generations.
- 6.5 **Responsibility of States for Acts and Omissions.** The *Amici* respectfully request that the Court clarify that a failure to adopt timely and effective mitigation and protection measures—particularly where such failure contributes to foreseeable and preventable climate harm to children, youth and future generations—constitutes a breach of States’ obligations under the African Charter. This includes failures to regulate private actors and to prevent conduct that exacerbates global warming.
- 6.6 **Access to Justice and Procedural Rights.** The *Amici* respectfully request that the Court recognise that States must guarantee effective access to justice for children, youth, and future generations in the climate crisis, including ensuring: (i) access to information and the best available science; (ii) meaningful participation in climate decision-making; and (iii) access to effective judicial remedies. This includes the obligation to establish child-friendly complaint mechanisms, remove procedural barriers, and provide free legal assistance where necessary.

- 6.7 **Remedies and Reparations.** The *Amici* respectfully request that the Court should affirm that States are required to provide effective remedies and reparations for climate-related human rights violations, including: (i) restitution and restoration of affected ecosystems where possible; (ii) compensation for material and non-material harm, even where such harm is difficult to fully quantify; and (iii) guarantees of non-repetition through strengthened laws, policies, and oversight mechanisms.
- 6.8 **Institutional and Transformative Measures.** The *Amici* respectfully request that the Court should further advise that States must adopt structural and institutional measures to give effect to these obligations, including: (i) institutionalising the participation of children and youth in climate governance; (ii) establishing independent mechanisms such as a Future Generations Ombudsperson; (iii) protecting youth climate defenders; and (iv) ensuring accountability of both public and private actors for climate-related harm.

INTRODUCTION

- 7 Five years ago, Ugandan youth climate activist Vanessa Nakate called for urgent climate action: “I want our world leaders to treat the climate crisis like a crisis. It’s not something that’s going to happen in the future, it’s an issue that’s already affecting millions of lives around the world. We need drastic action now. The Paris Agreement aims to keep temperatures below 1.5 degrees Celsius—but I want people to understand that a rise of 1.2 degrees Celsius is already hell for me and other people living in Uganda and on the African continent.”¹ Yet, the world still has not listened—despite repeated and unequivocal evidence of this climate crisis,² States have failed to take appropriate measures to protect children, youth, future generations, and the planet, setting the world on a collision course with the very systems that sustain life.
- 8 With current policies, global warming will surpass the 1.5 °C guardrail by the end of this decade.³ Beyond 1.5 °C, many climate impacts are predicted to become non-linear, abrupt, irreversible, and catastrophic, pushing us closer to a “hothouse” climate state where billions of people will be left to live in places that become too hot for human habitation.⁴ This would be catastrophic. Indeed, the disastrous effects of climate change are already all around us—including, for example, increased frequency and severity of extreme and formerly “once-in-a-lifetime” weather events and increased heat-related illness and deaths.⁵ Our planetary vital signs—including ocean heat content, sea level rise, glacier mass levels, and surface temperatures—are at record highs.⁶
- 9 This climate change crisis represents an imminent human rights crisis for current and future generations. Climate change threatens all aspects of life. It increases dangerous extreme weather events, displaces coastal communities, and even entire countries, raises risk for infectious diseases and death, and leads to large-scale crop losses, to name a few of its destructive effects. Many of the most devastating effects of climate change disproportionately harm African States. African children, youth, and future generations are especially disproportionately harmed, both because children and the youth are particularly vulnerable to certain impacts of climate change, and because they will live further into a future plagued by more devastating climate change impacts than those occurring today. This represents a profound injustice, as children and youth are forced to navigate the compounding consequences of a problem they did not create, while their future is dictated by the decision makers who will not live to experience the full severity of the crisis. Human rights and the framework of intergenerational climate justiceⁱ therefore mandate that immediate climate action is taken to keep the planet liveable and safe for generations to come.

ⁱ Intergenerational climate justice means ensuring a healthy, clean, sustainable, and stable planet for current and future generations while dismantling the historical, political, and structural injustices that continue to exist, and compensating for such harms that now shape and exacerbate climate vulnerabilities today. Simultaneously, through current decision-

- 10 The science is clear: to ensure intergenerational climate justice and avoid the most severe human rights harms, States must act *now* to limit overall warming to 1.5 °C with limited overshoot. Anything less entails significant risks that self-amplifying feedback loops will push the climate system past irreversible tipping points and gravely impact human rights. All States are obliged to promptly take immediate, ambitious, and robust mitigation action, including through the effective regulation of private actors. Such measures must include (i) an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization, as well as (ii) emergency measures that slow the rate of warming in the near-term—known as fast mitigation—in the form of cutting emissions of super climate pollutants, particularly methane, and protecting natural carbon sinks.
- 11 Thus far, States’ mitigation efforts have been woefully inadequate and at times at odds with their climate duties, commitments, and promises. Failure to act with the urgency required of the climate emergency shifts disproportionate burdens upon children, youth, and future generations that threaten their fundamental human rights and create an unjust ecological debt. Therefore, States’ duties also include their obligation to provide differentiated protections for children and youth in the face of the climate change crisis. In addition to their mitigation obligations, States must ensure children, youth, and future generations have access to justice, both in the courtroom and within decision-making forums, where they have historically been excluded or prevented from meaningful participation or from obtaining adequate remedies for violations of their human rights.
- 12 However, the tide may be turning in terms of the legal foundation for climate action. The past two years have marked an unprecedented period in the field of international environmental law. For the first time, the climate community is witnessing a convergence and synergy among its top judicial bodies: three of the world’s leading international and regional courts and tribunals—the International Tribunal for the Law of the Sea, the Inter-American Court of Human Rights, and the International Court of Justice— have issued landmark advisory opinions on climate change that clarify the scope and content of States’ obligations under international law in the wake of the climate change crisis.
- 13 The current Request before this Court presents an extraordinary opportunity for this Honourable Court to place its mark on a historic period of development in climate jurisprudence, and to place African youth at the forefront. Unlike any other continent, most of Africa’s population is young, rendering Africans distinctly and disproportionately vulnerable to climate change. This Advisory Opinion can therefore give due weight to the unique and devastating realities that climate change imposes on Africans—and in particular children, youth and future generations of Africans—and

making processes and access to justice in the courtroom, it is the guarantee of the same opportunities and rights between and across generations.

emphasise that States' heightened and differentiated protection obligations to young people must be grounded in an intergenerational climate justice-based approach, where States' obligations are informed by the best available climate science, and recognise the present and future dimensions of climate harm. For, it is through this approach, coupled with the establishment of concrete, actionable, and heightened differentiated protection standards, that States will be effectively guided in implementing the practical measures necessary to fulfil their obligations under the African Charter, and that this Court can truly be recognized as a champion in safeguarding the human rights of present and future Africans in the face of the climate change crisis.

- 14 In sum, this defining moment, in the face of the climate change crisis, presents an exceptional opportunity for this Court to ensure that the voices of youth are clearly reflected in its Advisory Opinion. As the highest human rights court on a continent with the world's youngest population, this Court is uniquely placed to give full effect to the rights of present generations of children and youth as well as and future generations. If not this Court, then which? If not now, then when?

I. THE FACTS UNDERPINNING THE CLIMATE CHANGE CRISIS

- 15 To assess the scope and urgency of States' mitigation and protection obligations, the Court must first consider the best available scientific evidence regarding the scale, causes, impacts, and trajectory of the climate change crisis.

A. The Scientific Consensus and Legal Recognition of the Climate Change Crisis.

- 16 We are in a climate change crisis—the Earth is heating, and it is heating fast. The best available science indicates that the planet is trapping twice as much heat today as it did in 2005.⁷ The 20-year average temperature of the Earth is at 1.4 °C of observed warming above preindustrial levels,⁸ and the combined average temperature of the past three years (2023–2025) exceeded (at least temporarily) the 1.5 °C guardrail of the Paris Agreement for the first time in recorded history.⁹ Moreover, scientific projections show that the rate of warming is expected to continue *accelerating* over the coming decades as warming emissions continue to increase every year and cooling emissions of reflective aerosols decrease, further exacerbating the risks and harms of climate change.¹⁰
- 17 Although the Paris Agreement regards 1.5 °C as a “guardrail,” the Inter-American Court, citing the Intergovernmental Panel on Climate Change (IPCC)—the most authoritative body on climate science—, warned that a world at 1.5 °C of warming is not “‘safe’ for most nations, communities, ecosystems and sectors, and poses significant risks to natural and human systems.”¹¹ Indeed, even current long-term temperatures of 1.4 °C are causing significant risks and harms.¹² As heating continues, these consequences are set to get much worse, especially if warming

consistently exceeds 1.5 °C, the maximum average temperature estimated to keep the planet liveable for current and future generations.¹³ Under current climate policies, the long-term 20-year average global temperature will surpass the 1.5 °C guardrail by the end of this decade.¹⁴

- 18 In a statement of the obvious, the United Nations declared this situation a “climate emergency.”¹⁵ Further, the Inter-American Court of Human Rights (Inter-American Court), the International Court of Justice (ICJ), and the International Tribunal for the Law of the Sea (ITLOS) have recognized that the world is facing a climate change crisis: the Inter-American Court characterized the current situation as a climate emergency,¹⁶ while the ICJ described climate change as “severe and far-reaching” and an “urgent and existential threat” to ecosystems and human populations,¹⁷ ITLOS also declared climate change an “existential threat [that] raises human rights concerns.”¹⁸ All three bodies acknowledged the wide-ranging adverse impacts of climate change on health, food and water security, and natural systems.¹⁹ This emergency faced by the world as a whole and at acute levels in many regions of Africa, requires urgent global action that quickly halts further warming of the planet—namely, fast-acting measures that slow the rate of warming in the near term, coupled with actions to stabilise the climate system over the long-term.²⁰

i. Scientific evidence of human-caused accelerated planetary warming.

- 19 Humans caused this climate change crisis. The IPCC concluded: “[I]t is unequivocal that human influence has warmed the atmosphere, ocean, and land.”²¹ Human activities that emit heat-trapping pollutants (including greenhouse gases (GHGs)²² and aerosols²³) into Earth’s atmosphere cause global warming.²⁴ The impacts of global warming are universal; each tonne of GHGs emitted *anywhere* contributes to climate change *everywhere*.²⁵ Further, the current concentration of GHGs in the atmosphere continues to increase and has reached record numbers.²⁶ Consequently, the planet has warmed since the Industrial Revolution—and especially in the last 50 years.²⁷ In fact, no human civilisation has experienced the global average temperatures currently experienced today.²⁸ For, 2024 marked the first time global temperatures temporarily breached 1.5 °C for an entire calendar year, with the three-year average at 1.5 °C, and the 20-year average now at 1.4 °C.²⁹
- 20 The GHGs—primarily from human activities—that are heating up the planet include carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), tropospheric ozone (O₃, or smog), and nitrous oxide (N₂O).³⁰ These GHGs differ in their respective times within the atmosphere: CO₂ remains in the atmosphere and continues to trap heat for a long period of time (hundreds to thousands of years).³¹ N₂O is also a long-lived GHG, remaining in the atmosphere for more than a century.³² In contrast, the GHGs methane,³³ HFCs,³⁴ and tropospheric ozone,³⁵ as well as the

non-gaseous aerosol black carbon (soot),³⁶ are known as short-lived climate pollutants (SLCPs)³⁷ (see **Section I.B.v. *infra***). These SLCPs have a relatively short life in the atmosphere, with averages ranging from days to 15 years, and thus trap heat for a shorter period of time.³⁸ However, these SLCPs trap much more heat per unit of mass than CO₂.³⁹ Methane is the second-largest contributor to anthropogenic warming after CO₂, with anthropogenic methane emissions responsible for nearly half of the total observed warming for 2010–2019.⁴⁰

- 21 The burning of fossil fuels for energy and industry is responsible for roughly half of current warming.⁴¹ Non-CO₂ climate pollutants, including methane and the other SLCPs, contribute the rest.⁴² In addition to the increasing concentration of GHGs in the atmosphere, which exacerbates global warming, the climate crisis is further intensified by the ongoing destruction of natural carbon sinks—such as forests and wetlands—that absorb and sequester CO₂ from the atmosphere.⁴³ When these natural carbon sinks are destroyed, they not only stop absorbing CO₂, but they also release the CO₂ they previously sequestered back into the atmosphere.⁴⁴

ii. Scientific evidence of severe and widespread climate impacts.

- 22 These record-high global temperatures are causing unprecedented severe and widespread climate impacts, including extraordinary levels of disappearing sea ice in the Arctic and loss of ice sheets in Antarctica, soaring ocean temperatures in the North Atlantic, and more frequent and severe droughts, wildfires, and storms across the globe.⁴⁵ These effects will cause irreversible harm to our planet and human rights, including widespread death and disease, extreme loss of biodiversity, and total destruction of real property and infrastructure.⁴⁶ Extreme heat events have resulted in human mortality and morbidity, and heightened occurrences of climate-related food-borne and water-borne diseases;⁴⁷ incidence of vector-borne diseases has also increased.⁴⁸ Massive economic damage is also widespread, with regional effects to agriculture, forestry, fishery, energy, tourism, and outdoor labour productivity.⁴⁹ Finally, infrastructure, including transportation, water and food security, and energy systems, has been compromised by extreme and slow-onset weather events, with resulting economic losses, service disruptions, and significant harm to human health and wellbeing.⁵⁰
- 23 It is undisputed that these adverse impacts are more frequent and severe than anything the planet has experienced in thousands of years. It is also undisputed that global warming is the cause of these impacts, and that each additional tonne of GHG emissions expelled into the atmosphere contributes to each increment of warming, which further worsens these disastrous effects (see **Section I.A.i. *supra***). This destructive pattern of adverse impacts threatens the future of life as we know it on the planet, and is predicted to worsen if we remain on our present path of fossil

fuel dependence, GHG emissions, destruction of natural carbon sinks, and inadequate climate change mitigation.⁵¹

iii. Scientific evidence of the disproportionate climate change impacts and risks in Africa.

- 24 While Africa contributes only a small portion of emissions, several of the most devastating effects of climate change disproportionately harm Africa and its people. This harm is exacerbated by poverty, governance challenges, and limited access to basic services and resources in the region.⁵² Africa has also been warming faster than the global average, at around 0.3 °C per decade between 1991 and 2023.⁵³ In the Sahel, temperatures are rising 1.5 times faster than the global average.⁵⁴ This escalated rate of warming in the region has severe consequences: West Africa could experience 50–150 days per year of potentially lethal heat above sustained 1.6 °C of global warming—disproportionately harming children and the elderly, who face the greatest heat-related mortality risk.⁵⁵
- 25 Climate change also reduces food security in Africa.⁵⁶ The IPCC has concluded that Africa is already at risk of reduced food production due to human-induced climate change.⁵⁷ At the 1.5 °C warming level, maize yields in West Africa are projected to decline by 9%, wheat yields in Southern and Northern Africa by 20–60%, and marine fisheries catch potential for multiple West African countries by more than 12%, potentially exposing millions to nutritional deficiencies and increased malnutrition risk in Central, East, and West Africa.⁵⁸
- 26 Moreover, climate change is increasing the risk of infectious diseases in the African region. In particular, malaria hotspots and prevalence are projected to increase in East and Southern Africa and the Sahel under even moderate GHG emissions scenarios, exposing an additional 50–62 million people to malaria risk by the 2030s.⁵⁹ The risk of dengue and Zika is similarly projected to increase in North, East, and Southern Africa, driven by expanding mosquito seasons and shifting geographic distributions.⁶⁰
- 27 Climate change and weather extremes are also increasingly driving displacement in Africa.⁶¹ By 2050, climate change could expose an additional 951 million people in sub-Saharan Africa to water stress (where demand for safe, usable water exceeds available supply), while regional precipitation changes will generate dangerous flooding that displaces millions more.⁶² Further, coastal States across Africa are threatened by sea level rise and extreme weather events, with cities including Cape Town, Dar es Salaam, and Lagos facing critical infrastructure, agricultural, and economic threats from these accelerating sea levels, which may lead to mass displacement.⁶³
- 28 Across Africa, States also face severe risks from the potential destabilisation of the West African monsoon—a major seasonal weather system bringing crucial rainfall—due to a collapse of the

Atlantic Meridional Overturning Circulation (AMOC),ⁱⁱ the tipping of coral reef systems, and intensified sea-level rise linked to ice sheet destabilisation.⁶⁴ In the coming decades, African countries may experience highly disruptive impacts from monsoon variability, as more than 400 million people in West Africa depend on monsoon-driven rainfall for food, water, and livelihoods.⁶⁵ A collapse of the northern (subpolar) branch of the North Atlantic circulation and/or the broader AMOC system could reduce precipitation across the Sahel and West Africa, producing “shorter wet and longer dry seasons and less overall rainfall,” with cascading effects on ecosystems, agriculture, and economic stability throughout the region.⁶⁶ Further, while shifts in monsoon dynamics could increase rainfall and vegetation in certain regions of Africa,⁶⁷ other areas may face more extreme precipitation events, degradation of ecosystem services—including water security and hydropower—and large-scale displacement.⁶⁸

- 29 Moreover, as millions of people on the coasts of Africa rely on coral reefs for nutrition, a reef collapse would directly undermine regional food security.⁶⁹ Coral reef tipping is already underway globally.⁷⁰ Warm-water corals are projected to decline by 70–90% as warming exceeds the long-term 1.5 °C threshold,⁷¹ and by approximately 90% if temperatures surpass 2 °C.⁷²
- 30 These are just some of the disproportionate impacts and risks that Africa faces in this climate change crisis.

iv. Warming must be kept to the 1.5 °C guardrail with limited overshoot.

- 31 Every increment of additional warming further exacerbates the disastrous impacts of climate change.⁷³ Scientific consensus confirms that to avoid the most severe and destabilising impacts of climate change, warming must be limited to 1.5 °C above pre-industrial levels with limited overshoot—a temporary exceedance of 1.5 °C that is later brought back down.⁷⁴ As the IPCC has concluded, “[n]ear-term actions that limit global warming to close to 1.5 °C would substantially reduce projected losses and damages related to climate change in human systems and ecosystems, compared to higher warming levels, but cannot eliminate them all[.]”⁷⁵ For, the Inter-American Court warned that even meeting the 1.5 °C guardrail is insufficient to fully prevent climate change-related harms to human rights, framing 1.5 °C as a minimum starting point, but not a safe threshold.⁷⁶
- 32 Beyond the 1.5 °C guardrail, many climate impacts are predicted to become increasingly non-linear, triggering abrupt, irreversible tipping points, with catastrophic effects that push us closer to a “hothouse” climate state where billions of people are displaced or under threat of mortality

ⁱⁱ AMOC is a massive system of ocean currents acting as a global “conveyor belt,” transporting warm surface water from the tropics to the North Atlantic and returning cold, deep water south. National Ocean Service, National Oceanic and Atmospheric Administration, [What is the Atlantic Meridian Overturning Circulation \(AMOC\)?](#).

as their homes become too hot for human habitation.⁷⁷ For example, the current mitigation trajectory, which will push the average global temperature to 2.7 °C by the end of the century, would leave about a third of the global population outside a liveable home (2–2.5 billion people), including 0.75–1 billion in Africa;⁷⁸ keeping warming to 1.5 °C with limited overshoot would reduce these numbers to less than 5% (0.4–0.5 billion people), including 0.2–0.3 billion in Africa.⁷⁹ The 1.5 °C long-term temperature limit aims to keep warming to a level that ensures a stable climate system and a “safe and just corridor” for life.⁸⁰ It is thus crucial for current and future generations to remain within the 1.5 °C guardrail with limited overshoot.

32.1 As mentioned, the impacts of global warming can be increasingly non-linear beyond the 1.5 °C guardrail, as additional warming is generated by self-amplifying climate feedback loops that cause the Earth to warm itself.⁸¹ In other words, feedback loops cause additional warming beyond initial warming, creating a loop whereby the planet increasingly warms itself.⁸² As an example, warming in the Arctic melts sea ice, resulting in more open ocean area, which is darker and absorbs more sunlight, further intensifying the initial warming.⁸³

32.2 Further, tipping points are critical thresholds beyond which climate systems reorganize and climate change damages become irreversible.⁸⁴ The science behind these tipping points shows that future consequences of climate change will not just be “more of the same,” but will entail damage and destruction of a more severe, frequent, and unpredictable magnitude.⁸⁵ Beyond 1.5 °C, the risk of tipping points increases; passing these would commit human and natural systems to irreversible changes.⁸⁶ The current level of warming may already be pushing warm-water coral reefs past their tipping point,⁸⁷ while other Earth systems and ecosystems are at risk of tipping if the warming level remains above 1.5 °C for an extended period of time.⁸⁸ The large-scale impact that tipping points will likely have on future generations makes them particularly important to consider when advocating for remaining within the 1.5 °C guardrail with limited overshoot for the sake of intergenerational equity.⁸⁹

B. The Need to Slow Near-Term Warming Now through Fast Mitigation of Super Climate Pollutants.

33 Scientific evidence unequivocally confirms that Africa and the world are experiencing a climate change crisis that requires immediate measures to keep warming to 1.5 °C with limited overshoot. If we stay on our present path of voluntary and meagre mitigation, it will most likely be too late to stop the avalanche of destructive consequences that will be associated with an average global temperature rise above 1.5 °C.⁹⁰

- 34 Grounded in the best available scientific evidence, and in light of the present climate change crisis, slowing the rate of warming in the near term requires the immediate implementation of what is known as “fast mitigation,” namely, emergency measures capable of producing rapid temperature effects in the next decade or two. Such measures are warranted by the exceptional and urgent nature of the crisis, which demands responses commensurate with emergency conditions.
- 35 Such emergency measures include the rapid and large-scale reduction of SLCPs, including methane, HFCs, and tropospheric ozone, as well as the protection and expansion of carbon sinks, including forests. At the same time, sustained and accelerated reductions of CO₂ and N₂O are required, given their central role in driving long-term warming. In other words, an effective response requires pursuing two complementary tracks simultaneously: a “sprint” to reduce SLCPs and achieve immediate temperature relief, and a “marathon” to reduce long-lived GHGs and stabilise the climate system over the long term.
- i. States are failing to enact and implement the policies necessary to meet the climate change crisis.*
- 36 Current efforts—including some environmental treaties, policies, and voluntary mitigation pledges—are inadequate to ensure that overshoot of the 1.5 °C guardrail is limited. A 2025 assessment of global progress across 45 sectoral climate action indicators found that not a single indicator is currently “on track” to meet targets consistent with the 1.5 °C guardrail.⁹¹ 29 indicators are “well off track,” and five are heading in the “wrong direction.”⁹²
- 37 Under the Paris Agreement, States have set targets to mitigate climate change as part of their “nationally determined contributions” (NDCs).⁹³ However, these NDCs are inadequate to keep warming to the 1.5 °C guardrail with limited overshoot.⁹⁴ Even if the current round of conditional and unconditional NDCs (as of 30 September 2025) is fully implemented, the planet will reach 2.3 °C [1.8–3.1 °C] of peak warming this century.⁹⁵ Full implementation of the NDCs would only reduce GHG emissions by an estimated 7% below 2019 levels by 2030.⁹⁶ This falls alarmingly short of the IPCC’s conclusion that GHG emissions must be reduced by 43% below 2019 levels by 2030 to limit warming to 1.5 °C.⁹⁷ Thus, the global emissions gap between the current mitigation path and what is needed remains dangerously wide.⁹⁸
- 38 The three recent climate advisory opinions make clear that States cannot hide behind the inadequacy of their NDCs. ITLOS held that simply complying with NDC commitments under the Paris Agreement would not satisfy States’ obligations under the United Nations Convention on the Law of the Sea (UNCLOS) to “take all necessary measures to prevent, reduce and control marine pollution from anthropogenic GHG emissions.”⁹⁹ The ICJ reinforced and expanded ITLOS’s

conclusions, finding that treaty obligations and customary international law establish “independent obligations that do not necessarily overlap,” and that a State’s customary duty to prevent significant environmental harm is not discharged “simply by States complying with their obligations under the climate change treaties,” such as the obligation to prepare and implement NDCs.¹⁰⁰ The Inter-American Court similarly held that an NDC mitigation target satisfies a State’s obligation to set a mitigation target only if it is “guided, above all, by the principles of progressivity and common but differentiated responsibilities” and “coordinated with the principles of equity, prevention and precaution.”¹⁰¹ Indeed, even in an optimistic scenario where all NDCs are met, those commitments only offer us a 3% chance of keeping warming below the 1.5 °C guardrail.¹⁰² This demonstrates that current NDC commitments are an inadequate tool to mitigate climate change and to protect human rights. More troublingly, methane mitigation covered by both NDCs and Methane Action Plans under the Global Methane Pledge, if fully implemented, would yield only a combined 8% reduction in methane emissions below 2020 levels.¹⁰³

- 39 Global warming is on track to surpass the 1.5 °C guardrail by the end of this decade or sooner.¹⁰⁴ Under present-day global climate policies, we are headed for a temperature rise of above 2 °C or even 3 °C, corresponding with a disproportionate increase of damage estimated to occur at those levels of warming.¹⁰⁵ For example, policies around the world in place as of November 2025 are likely to result in about 2.8 °C warming above pre-industrial levels by 2100.¹⁰⁶
- 40 Finally, we have a finite amount of CO₂ that can still be emitted before the planet reaches a given temperature level, called a carbon budget.¹⁰⁷ The IPCC’s Sixth Assessment Report estimated that 500 GtCO₂ (gigatonnes (billions of tonnes) of CO₂) remained in the budget at the start of 2020, for a 50% likelihood of limiting warming to 1.5 °C.¹⁰⁸ By the beginning of 2025, humans had consumed all but 130 GtCO₂, equal to approximately three years or less remaining of CO₂ emissions at 2024 levels.¹⁰⁹ Any further delay in concerted mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for children, youth, and future generations.¹¹⁰

ii. Without fast mitigation measures to slow near-term warming now, we may need to rely on dangerous and unproven technologies later.

- 41 Failure to effectively reduce GHG emissions now may commit future generations to rely on the widespread deployment of unproven and controversial technologies to actively remove GHGs from the atmosphere.¹¹¹ ITLOS cautioned against dangerous interventions like marine geoengineering to mask climate impacts because it may transform one type of pollution into another and continue to violate international law.¹¹²

- 42 Moreover, delaying emissions reductions may necessitate an increased reliance on carbon dioxide removal (CDR) technologies to attempt to achieve required net-negative emissions. The projection scenarios that rely most heavily on CDR require net-negative CO₂ emissions at a scale exceeding 20 GtCO₂ per year, a rate of removal not available in current technologies.¹¹³ Existing CDR technologies deliver relatively limited CO₂ removal¹¹⁴ and are extremely costly.¹¹⁵ Scaling these technologies to the required level would demand substantial financial and technical transformation, despite uncertain outcomes. By contrast, deploying existing mitigation technologies today has been confirmed as a presently viable and more credible pathway to keep warming to the 1.5 °C guardrail with limited overshoot (*see Section I.B.v. supra*).
- 43 Even if massive upscaling were feasible, CDR poses severe risks to human rights, food security, and ecosystems. Land-intensive CDR methods, such as afforestationⁱⁱⁱ and bioenergy with carbon capture and storage (BECCS),^{iv} create risks to biodiversity and food security by competing for arable land.¹¹⁶ Land-based carbon sinks are threatened by climate extremes, particularly wildfires, which present a high risk of placing carbon back into the atmosphere.¹¹⁷ Additionally, while many countries categorise BECCS as carbon-neutral, it is not carbon-neutral for several decades, if ever, as the carbon emissions from cutting and burning trees will not be offset for decades to centuries.¹¹⁸
- 44 Other methods face compounding obstacles: direct air carbon capture and storage (DACCS)^v raises significant economic, social, and environmental concerns, ocean-based methods suffer from limited scientific understanding regarding both their permanence and potential adverse side-effects, and soil carbon storage carries a high risk of reversal.¹¹⁹ Even where technical removal potentials might theoretically prove large, sustainability and equity considerations constrain acceptable deployment scales.¹²⁰
- 45 Beyond these challenges lies the fundamental problem that CO₂ emissions and subsequent removals are not physically equivalent in their effects on the climate system. Balancing ongoing fossil fuel emissions against future CDR deployment could trigger additional warming from non-CO₂ emissions, biogeophysical changes from CDR, or non-linear climate responses.¹²¹ This

ⁱⁱⁱ Afforestation refers to the “conversion to forest of land that historically has not contained forests.” Reforestation refers to the “conversion to forest of land that has previously contained forest but that has been converted to some other use.” IPCC, 2018: SPECIAL REPORT ON CLIMATE CHANGE AND LAND at 804, 822.

^{iv} BECCS refers to “carbon dioxide capture and storage (CCS) technology applied to a bioenergy facility.” IPCC, 2023: SYNTHESIS REPORT at 121. Using BECCS as “a means to deliver ‘negative emissions’ threaten to deepen the damage to forests and the climate.” Mary S. Booth & Jacopo Giuntoli, [Burning Up the Carbon Sink: How the EU’s Forest Biomass Policy Undermines Climate Mitigation](#), 17(5) GCB BIOENERGY 1, 2 (2025).

^v DACCS refers to “a chemical process by which CO₂ is captured directly from the ambient air, with subsequent storage.” IPCC, 2018: [1.5°C SPECIAL REPORT](#).

asymmetry means that deferring deep cuts in fossil fuel use in anticipation of future large-scale CDR deployment is not a scientifically valid climate strategy; it is a dangerous gamble.¹²²

- 46 In sum, CDR is not a substitute for fast mitigation. Relying on CDR to justify continuing current GHG emissions is contrary to the precautionary principle. Current decision-makers are driving choices that lock in environmental damage and risk that today’s children and youth, as well as future generations, will be forced to manage throughout their lives. Failing to implement deep and immediate mitigation measures passes the burden of responding to the climate crisis to children, youth, and future generations and violates the principle of intergenerational equity.

iii. Adaptation to climate change by itself is not a viable substitute for mitigation.

- 47 Given the current state of the climate change crisis, adaptation is, and will continue to be, necessary, but it is not a viable substitute for mitigation. Adaptation is constrained in two respects: first, it does not prevent all climate change impacts; and second, as the IPCC explained “[t]he potential or effectiveness of some adaptation . . . options decreases as climate change intensifies[.]”¹²³
- 48 The fundamental limits of adaptation were powerfully articulated by Ugandan youth climate justice activist Vanessa Nakate, who warned: “Sometimes I hear leaders talk about the need to fund adaptation efforts . . . For many of us, reducing and avoiding is no longer enough. You cannot adapt to lost cultures. You cannot adapt to lost traditions. You cannot adapt to lost history. You cannot adapt to starvation. And you cannot adapt to extinction. The climate crisis is pushing many communities beyond their ability to adapt.”¹²⁴
- 49 The international courts confirm that adaptation cannot be a substitute for mitigation. The ICJ found that “limits to adaptation have been reached in some ecosystems and regions” and that “adaptation options that are feasible and effective today will become constrained . . . with increasing global warming.”¹²⁵ The Inter-American Court similarly emphasised that “with each temperature increase, the effectiveness of adaptation decreases.”¹²⁶ African countries may reach limits to adaptation above the 1.5 °C warming level.¹²⁷ Mitigation is thus essential both to reduce climate change impacts and to stay within the limits of adaptation.
- 50 Although this *amicus* brief focuses on the need for States to take immediate mitigation measures to preserve a sustainable climate for young Africans of current and future generations, it is also clear that adaptation measures will be necessary, particularly in the near-term, to protect the African people—especially its children and youth—from the impacts of unmitigated climate change.¹²⁸ The IPCC noted that, “[w]hile currently known structural adaptation responses can reduce some of the projected risks across sectors and regions, residual impacts remain at all levels of warming.”¹²⁹

iv. An urgent structural shift towards decarbonization is critical but insufficient by itself.

- 51 The IPCC concluded that “[l]imiting global temperature increase to a specific level requires limiting cumulative net CO₂ emissions.”¹³⁰ Specifically, to keep long-term global warming to 1.5 °C with limited overshoot, the world must decarbonise (reduce CO₂ emissions) and reach net zero CO₂ emissions around 2050.¹³¹ Urgent structural changes in energy, industry, and agricultural policy are necessary to achieve this goal (*see Section I.B.ii. supra*).
- 52 Cutting the burning of fossil fuels is critical: the IPCC stated that “[p]rojected CO₂ emissions from existing fossil fuel infrastructure without additional abatement would exceed the remaining carbon budget for 1.5°C[.]”¹³² It concluded that to just keep global warming to 2 °C, about 80% of coal, 50% of gas, and 30% of oil reserves must remain unburned.¹³³
- 53 In laying out a path to achieve net-zero emissions by 2050, the International Energy Agency (IEA) stated that, beyond projects already committed at that time, there could be no new oil and gas fields approved for development nor any new coal projects in the future.¹³⁴ The IPCC further stated: to achieve net-zero CO₂ emissions, the ideal energy systems would entail “a substantial reduction in overall fossil fuel use and minimal use of unabated fossil fuels[.]”¹³⁵ It explained, “[t]he continued installation of unabated fossil fuel infrastructure will ‘lock-in’ GHG emissions.”¹³⁶
- 54 However, decarbonization *alone* is insufficient to address the near-term climate change crisis. Moreover, the burning of fossil fuels emits cooling aerosols along with CO₂, which “mask” the true warming effect of the emitted carbon, but fall out in days to weeks once emissions stop, unlike CO₂. The IPCC confirms that strategies focusing exclusively on reducing fossil fuel burning could lead to “warming in the near- to mid-term.”¹³⁷ Aerosol reductions are already unmasking some warming,¹³⁸ which is one of the reasons why the world is on track to breach the 1.5 °C guardrail by 2030 and the 2 °C level by 2050.¹³⁹ A dual strategy that pairs CO₂-focused decarbonization with rapid reductions in the emissions of non-CO₂ super climate pollutants, especially SLCPs like methane (discussed below), can avoid four times more warming by 2050 than decarbonization can alone.¹⁴⁰ This two-pronged approach would also significantly improve the chance of keeping the 1.5 °C guardrail in sight with limited overshoot.¹⁴¹

v. Fast mitigation in the form of cutting super climate pollutants and preserving natural carbon sinks is the most effective and feasible way to slow near-term warming.

- 55 In addition to decarbonization, keeping the 1.5 °C guardrail in sight with limited overshoot requires fast mitigation aimed at slowing the rate of global warming in the near-term. Because we are now so close to dangerous tipping points, and because the adverse consequences of long-term GHGs already emitted are locked into our atmosphere for decades to come, fast mitigation

is necessary.¹⁴² Critical fast mitigation measures include the cutting of emissions of super climate pollutants (SLCPs, as well as N₂O) and the preservation of natural carbon sinks.

- 56 Super climate pollutants are a category of gaseous and aerosol pollutants more effective than CO₂ at trapping heat in the atmosphere by thickening the planet's warming blanket.¹⁴³ Super climate pollutants include SLCPs along with the longer-lived N₂O (*see Section I.A.i. supra*). As discussed, SLCPs include methane, HFCs, tropospheric ozone, and black carbon. Because these SLCPs have a relatively short atmospheric life-time of days to 15 years but very high near-term warming potential, cutting them will help slow warming in the near-term and have a more outsized impact than CO₂ mitigation alone.¹⁴⁴ When accounting for the unmasking of cooling aerosols, cutting CO₂ emissions by phasing out fossil fuel burning could avoid about 0.07 °C net warming by 2050 compared to 0.26 °C net warming avoided by measures cutting emissions of SLCPs.¹⁴⁵ Cutting the emissions of SLCPs also has near-term health and justice benefits, as some SLCPs are connected to air pollution that can damage human health and agricultural productivity.¹⁴⁶ Many measures cutting emissions of SLCPs are immediately implementable and low-cost, providing a faster avenue to reducing warming rates in the critical near-term.¹⁴⁷
- 57 The IPCC confirmed that keeping warming to 1.5 °C with limited overshoot requires deep cuts in emissions of SLCPs.¹⁴⁸ In particular, the United Nations Environment Programme, in its *2025 Global Methane Status Report*, concluded that pathways that keep the 1.5 °C guardrail in sight require reductions in methane emissions of around 32% by 2030 relative to 2020 levels.¹⁴⁹
- 58 Methane is the most threatening and actionable SLCP. It is over 81 times more potent than CO₂ in its heat-trapping capacity when considered over a 20-year period, and about 28 times more potent when considered over a 100-year period.¹⁵⁰ The IPCC estimates that anthropogenic methane emissions are responsible for nearly half of current warming.¹⁵¹ Further, the IPCC reported that concentrations of methane have increased to levels unprecedented in at least 800,000 years.¹⁵² It concluded that strong, rapid, and sustained reductions in methane emissions could limit near-term warming as well as improve air quality by reducing global ground-level, or tropospheric, ozone.¹⁵³
- 58.1 The primary sources of global anthropogenic methane emissions are agriculture (40% of emissions), energy production (35%), and waste (20%).¹⁵⁴ Within the agriculture and waste sectors, emissions related to livestock are the largest source of methane.¹⁵⁵ Landfills and waste represent the next largest component.¹⁵⁶ In the fossil fuel sector, oil and gas extraction, processing, and distribution account for roughly 23% of global anthropogenic methane emissions, and coal mining accounts for 12%.¹⁵⁷ During the 2010s, over one-third of African methane emissions were estimated to come from agriculture, dominated by livestock

management.¹⁵⁸ In Africa, about 28% of human methane emissions come from the extraction and use of fossil fuels as energy.¹⁵⁹ Finally, the waste sector and biomass/biofuel burning each account for slightly less than 20% of Africa's total human emissions.¹⁶⁰

58.2 Currently available mitigation measures could reduce global methane emissions from these major sectors by a collective 32% by 2030 relative to 2020 levels.¹⁶¹ Reducing methane using all available mitigation measures can slow the global rate of warming by 30% by mid-century and avoid 0.2 °C of warming,¹⁶² making methane mitigation one of the single most effective levers for near-term climate stabilisation.¹⁶³

59 Other super climate pollutants must be cut as well to keep warming close to the 1.5 °C guardrail with limited overshoot:

59.1 HFCs are man-made substitutes for ozone-depleting substances mainly used in refrigeration and semiconductor manufacturing.¹⁶⁴ Their use is increasing, and their emissions come from faulty cooling equipment, poor maintenance, and the improper disposal of the equipment in which they are used.¹⁶⁵ The Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, a binding international agreement, mandated the phase down of HFCs, which can avoid up to 0.5 °C of warming by 2100,¹⁶⁶ while also encouraging improvements in the energy efficiency of cooling equipment, which can double the climate benefits of the amendment.¹⁶⁷

59.2 Tropospheric ozone (smog) is a climate and air pollutant that forms in the atmosphere when other pollutants from natural and human sources mix.¹⁶⁸ Tropospheric ozone is thus not an emitted gas itself; rather, it results from chemical reactions with precursor emissions, and cutting such emissions reduces the warming effect of tropospheric ozone.¹⁶⁹ Methane contributes 35% to today's tropospheric ozone burden, and therefore reducing methane reduces tropospheric ozone levels.¹⁷⁰ Methane is likely to play a greater role in tropospheric ozone formation as ozone's other precursors are reduced by air pollution controls,¹⁷¹ making methane mitigation even more critical.¹⁷²

59.3 Black carbon is not a gas but a carbon aerosol, also known as soot, arising from the incomplete combustion of fossil fuels, biofuels, and/or biomass.¹⁷³ Black carbon is also a component of fine particulate matter (PM_{2.5}), and, together with ozone, causes 6.7 million premature deaths annually due to resulting air pollution.¹⁷⁴ By absorbing sunlight, black carbon also exerts a net warming effect, both in the atmosphere and when deposited on snow or ice (in particular in the Arctic¹⁷⁵).¹⁷⁶ Black carbon can be cut by moving to cleaner-burning fuels in the case of cooking by burning wood or biomass and by transitioning from coal plants to renewables or other cleaner energy sources.¹⁷⁷

- 59.4 N₂O emissions are projected to reach record highs in the coming years unless ambitious mitigation is undertaken.¹⁷⁸ Because some methane mitigation measures in the agricultural sector can result in higher-than-projected N₂O emissions,¹⁷⁹ multi-pollutant mitigation measures should be considered together. Although N₂O is long-lived, ignoring its emissions now could lead to “locked-in” warming later with no plausible pathway to keep the 1.5 °C guardrail with limited overshoot within reach while also providing for sustainable development and food security.¹⁸⁰
- 60 Cutting SLCPs is the only plausible way to limit warming due to the unmasking of cooling aerosols over the next 20 years,¹⁸¹ and can reduce up to 0.6 °C of warming when existing emission reduction technologies are deployed.¹⁸² However, SLCP mitigation must be simultaneously complemented by CO₂ and N₂O mitigation measures.
- 61 In addition to its massive benefits, fast mitigation of super climate pollutants is both economically and technically feasible now. As the IPCC noted, “[w]e have the knowledge and the tools.”¹⁸³ Although strengthening mitigation entails more rapid transitions and higher upfront investments in the short-term, it provides enormous benefits from avoiding worse damages from climate change, as well as reduced adaptation costs.¹⁸⁴ The IPCC concluded that although keeping warming to the 1.5 °C guardrail with limited overshoot would increase the costs of mitigation, it would also increase the benefits in terms of reduced impacts and adaptation needs and costs.¹⁸⁵ Thus, from a purely cost perspective, not to mention the human rights benefits, it is financially beneficial to mitigate *now*, rather than face the high adaptation costs and economic losses later.¹⁸⁶ This is especially true for developing countries, which face astronomical adaptation costs.¹⁸⁷
- 62 Another critical fast mitigation measure is the preservation of natural carbon sinks such as forests and oceans. The IPCC noted that land and ocean sinks have absorbed a near-constant proportion (globally about 56% per year) of anthropogenic CO₂ emissions from the atmosphere over the past six decades.¹⁸⁸ When these natural carbon sinks are destroyed, they not only stop absorbing CO₂ from the atmosphere, but they also immediately release the previously sequestered CO₂ back into the atmosphere.¹⁸⁹ Various human activities destroy natural carbon sinks. For, the IPCC reported that in 2019, about 22% of global GHG emissions came from agriculture, forestry, and other land use, and about half of those emissions stemmed from deforestation.¹⁹⁰
- 62.1 Another reason why the preservation of natural carbon sinks is so critical to fast mitigation is because of “irrecoverable carbon,” which refers to the vast stores of carbon in natural sinks that are vulnerable to release from human activity and, if lost, could not be restored by 2050—when the world must reach net- zero CO₂ emissions.¹⁹¹ The value of natural sinks has already been proven; these sinks have absorbed large quantities of anthropogenic

emissions, thereby preventing more intense global warming. However, to keep warming within the 1.5 °C guardrail with limited overshoot, there are natural places that we cannot afford to lose.¹⁹² For example, in Africa, the Congo Basin forests and the Cuvette Centrale peatlands are among the largest and most critical natural stores of carbon.¹⁹³

62.2 The Congo rainforest is the second largest in the world, after the Amazon, accounting for approximately 20% of global tropical rainforest cover and storing around 39 gigatonnes of carbon.¹⁹⁴ Altogether, the forests of the Congo Basin contain nearly 47 gigatonnes of carbon.¹⁹⁵ Emerging evidence indicates that the African tropical carbon sink is already weakening,¹⁹⁶ and the IPCC projects that African tropical moist forests could reduce their carbon uptake by approximately 14% by the 2030s.¹⁹⁷ Exceeding 2 °C of global warming entails a very high risk of destabilising the African tropical forest carbon sink,¹⁹⁸ and the Congo rainforest itself may be vulnerable to localised tipping as temperatures increase.¹⁹⁹ Moreover, its degradation or loss would jeopardise the livelihoods of around 60 million people²⁰⁰—including approximately 150 ethnic groups residing in the forest region²⁰¹—heighten the risk of zoonotic disease spillover,²⁰² and disrupt regional climatic and precipitation patterns.²⁰³

62.3 Therefore, efforts to protect natural carbon sinks must include the recognition of Indigenous land rights and the incorporation of Indigenous land management strategies, such as silvopasture and regenerative agriculture.²⁰⁴ Indigenous and local community solutions could help restore a significant portion of sinks' carbon storage potential; at least 22% of global forest carbon is stewarded by Indigenous and local communities, consisting of areas that hold 80% of the planet's biodiversity.²⁰⁵ Research has shown that establishing land rights for Indigenous and local communities lowers deforestation rates and carbon emissions, while deforestation rates are higher in areas where these rights are not secured.²⁰⁶ In Africa, Indigenous lands even reduce deforestation at rates higher than formally protected areas.²⁰⁷

63 In conclusion, ensuring that warming stays within the 1.5 °C guardrail with limited overshoot requires immediate effective mitigation action. That action needs to include at least the following complementary measures: (i) an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization, and (ii) emergency measures that slow the rate of warming in the near-term—i.e., fast mitigation—in the form of cutting super climate pollutants including the SLCPs methane, HFCs, tropospheric ozone, and black carbon and the longer-lived N₂O, as well as protecting natural carbon sinks. Because the best available science demonstrates that slowing near-term warming is critical to stay within the 1.5 °C guardrail, an intergenerational climate justice approach renders fast mitigation a required factor in State obligations—failure to act with this required urgency violates the human rights of children, youth, and future generations.

II. STATES' HUMAN RIGHTS OBLIGATIONS TO EFFECTIVELY MITIGATE CLIMATE CHANGE AND THEREBY PROTECT AFRICAN CHILDREN, YOUTH, AND FUTURE GENERATIONS IN THE CLIMATE CHANGE CRISIS

- 64 The Human Rights Council recognised that climate change is one of the greatest threats to the full and effective enjoyment and exercise of the human rights of present and future generations.²⁰⁸ Therefore, climate change also poses a profound and escalating threat to Africans' enjoyment of human rights under the African Charter. While climate change affects all people, including all Africans, it disproportionately harms certain vulnerable groups, including children, youth, and future generations, triggering heightened obligations of protection for these groups under human rights law (*see Section II.A.i. infra*). Numerous human rights bodies have acknowledged this disproportionate harm, due in part to the distinct vulnerability of children and youth to the impacts of climate change (*see Section II.B. infra*), as well as the reality that children, youth, and future generations will live further into a warmer future. Moreover, *African* children, youth, and future generations' human rights are distinctly impaired, as the African region experiences disproportionate climate change impacts and risks (*see Section II.A.ii. infra*), where children and youth in all but one of Africa's countries fall within a medium-high to extremely high risk of climate change impacts.²⁰⁹
- 65 Because Africa is the world's youngest continent, and because African youth are projected to comprise 42% of the global youth population by 2030,²¹⁰ this Court has a unique opportunity to advance the human rights of all African peoples by adopting an intergenerational climate justice approach in interpreting States' obligations under the African Charter. Such an approach necessarily requires States to undertake fast mitigation measures to keep the 1.5 °C guardrail within reach. In this way, this Honourable Court can protect the human rights of African children, youth and future generations in the face of the climate change crisis.

A. The Unequal Burden of Climate Change on Children, Youth, and Future Generations

i. Children, youth, and future generations face, or are set to face, disproportionate climate change impacts and risks.

- 66 The science is unequivocal: the most devastating impacts of climate change fall disproportionately on today's children and youth, with future generations set to bear an even greater burden—if the current warming trajectory continues—facing far more severe consequences than those we are suffering today.²¹¹ This is the case even though these groups are least responsible for the conduct driving global warming and have been largely excluded from relevant environmental decision-making processes.²¹²

- 67 Children and youth are far more vulnerable to certain impacts of climate change. In particular, children are among the most susceptible to the negative effects of climate change on physical and mental health because they have not yet reached their full physical and cognitive potential, and adjust more slowly to changes in environmental temperature, leaving them more vulnerable to health risks.²¹³ Additionally, warmer temperatures weaken crop nutrient levels and can trigger prolonged droughts, leading to malnutrition and undernutrition in children and youth that can stunt their physical and cognitive development with possible lifelong implications.²¹⁴ For example, by 2050, the United Nations Children’s Fund (UNICEF) estimates that climate change will cause an additional 40 million children to be stunted and an additional 28 million children to suffer from wasting (the most dangerous form of malnutrition).²¹⁵ Further, inadequate health and nutrition in youth can increase their vulnerability to other diseases. For, the spread of disease is susceptible to changes in the climate, including temperature, precipitation patterns, and humidity; these changes have direct effects on the reproduction and survival of mosquitoes that transmit vector-borne diseases, of which children are particularly vulnerable.²¹⁶ At the same time, air pollution has a disproportionate impact on youth, with 98% of children in low- and middle-income countries breathing polluted air.²¹⁷
- 68 Moreover, children and youth face increased risks to their mental health as a result of climate change, driven by exposure to extreme weather events, displacement, resource insecurity, increased disease risk, disruption of essential systems, socio-economic losses, and growing climate-related anxiety.²¹⁸ For, the climate change crisis inflicts severe psychological trauma on children and youth, which includes feelings of depression, anxiety, anger, and powerlessness;²¹⁹ this goes beyond “eco-anxiety”—defined as a “chronic fear of environmental doom”²²⁰—as evidence suggests that youth cognitive capacity is susceptible to the negative effects of disasters, which in turn could negatively affect children’s and youth’s emotional well-being.²²¹
- 69 In addition to bearing the disproportionate impacts of climate change, children, youth, and future generations will also live further into a future world plagued by more severe and devastating climate impacts than those occurring today. For, climate harm is not evenly distributed across time—the disproportionate harm experienced by the children and youth of today will inevitably increase in severity as warming increases, representing a fundamental injustice in timing. As temperature rise exceeds 1.5 °C, children, youth, and future generations will face the harder to predict, but more threatening and destabilising consequences of Earth system tipping points (*see Section I.A.i. infra*).²²² For, younger generations are expected to face more extreme weather events across their lifetimes compared with older generations: under current warming trajectories exacerbated by inadequate climate policies, children born in 2020 will experience a two-to-sevenfold increase in extreme weather events, particularly heat waves, as compared to

people born in 1960.²²³ Therefore, children, youth, and future generations are disproportionately impacted and placed at risk by climate change globally; however, in several regions of the world—including the African region—these impacts and risks are even more immediate.

ii. Africa is the world's youngest continent, and its children, youth, and future generations will bear the brunt of climate change impacts and risks.

- 70 The current climate change crisis is a fundamental child and youth rights crisis across the African continent. UNICEF's *Children's Climate Risk Index* identifies that the ten countries where children face the highest risk of climate-related impacts globally are all located in Africa.²²⁴ Moreover, over 60% of the African population is young people under the age of 35.²²⁵ In sub-Saharan Africa, young people under the age of 30 comprise 70% of the population.²²⁶
- 71 Climate change disasters that affect African children and youth include temperature increases, changes in precipitation patterns, sea level rise, rainstorms, landslides, and dust storms. Notably, children are among the most vulnerable populations to heat-related mortality risk; even under a scenario where temperatures are limited to the Paris 1.5 °C target by 2100, children born in Africa in 2020 are projected to be exposed to 4–8 times more heatwaves than people born in 1960; under 2.4 °C of warming, that figure rises to 5–10 times more exposure.²²⁷ Droughts and flooding affect children the most; Africa has the highest number of droughts in the world, approximately 134 in 2022, with 70 occurring in East Africa.²²⁸ Droughts can lead to food insecurity and ultimately malnutrition in children, as children, compared to adults, need more water and food per unit of body weight. Over 16 million children in East and Southern Africa experience extreme food insecurity, and this number will only grow absent swift climate action entailing fast mitigation to keep the 1.5 °C guardrail with limited overshoot within reach.²²⁹
- 72 Under current Paris Agreement commitments (NDCs), children in sub-Saharan Africa are projected to face 3.8 times more river floods and 2.6 times more crop failures over their lifetimes than a person born in 1960.²³⁰ Moreover, children in the Democratic Republic of Congo and Eritrea face exposure as high as 9 and 11.6 times more heatwaves, respectively, than a person born in 1960.²³¹
- 73 In addition to imposing disproportionate health burdens on children and youth, the climate change crisis acts as a systemic thief of opportunity for young people, especially across Africa. For, extreme weather events disrupt education by damaging schools and creating economic pressures that force children to withdraw from school to assist their families, especially for families whose livelihoods depend on agriculture.²³² For example, in West and Central Africa, children exposed to below-average rainfall early in life complete up to 1.8 fewer years of

schooling.²³³ Further, these consequences disproportionately impact girls, who are often the first to be removed from school, heightening their vulnerability to child marriage and sexual violence.²³⁴ For instance, in parts of the Horn of Africa hard hit by drought, child marriage rates rose by 119% in a single year.²³⁵

- 74 Across Africa, children and youth are bearing the brunt of these devastating impacts and heightened risks posed by climate change. The personal accounts of young Africans experiencing these harms are presented in **Appendix II. Youth Stories**; they reveal these young people's current experiences, fears, and hopes for the future, and underscore the motivations behind this Amicus brief.

iii. Children and youth need differentiated protection in the climate change crisis.

- 75 Given the disproportionate impacts and risks of climate change on children and youth (*see Section II.A.i. supra*), as well as the unique demographic reality of Africa, there is a clear imperative for this Court to adopt a differentiated protection framework for these groups in interpreting States' human rights obligations under the African Charter. By doing so, this Court can move beyond general safeguards to address the distinct vulnerabilities and specific developmental needs of African children and youth.
- 76 Under Articles 60 and 61 of the African Charter, this Court is expressly permitted to consider the provisions of various African instruments on human and peoples' rights, as well as the international legal framework governing climate change, including the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and its associated 2016 Paris Agreement, to clarify State duties.²³⁶ This Court may also consider other agreements that play a role in protecting the climate, including UNCLOS and the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol) and its Kigali Amendment. This Court may also draw inspiration and insight from the recent authoritative climate advisory opinions from ITLOS, the Inter-American Court, and the ICJ. Each of these sources provides critical guidance for interpreting the scope and content of African States' human rights obligations.
- 77 The African human rights system already provides a basis for a differentiated protection framework for children and youth: the African Charter on the Rights and Welfare of the Child (ACRWC) recognises children as a priority group requiring special protection.²³⁷ Similarly, this Court has previously recognised the need for differentiated treatment for the protection of children's rights within its own jurisprudence when it declared that children in conflict with vagrancy laws must be treated "in a manner that accords with their age and promotes their reintegration into society."²³⁸ In the context of the present advisory opinion request, applying

this differentiated protection framework to States' human rights obligations under the African Charter translates into the need for public and private actors to differentiate and prioritise the rights of children and youth, ensuring the adoption of effective measures that safeguard these rights in accordance with the principle of enhanced protection.

- 78 Moreover, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has emphasized that, pursuant to Article 4 of the ACRWC, the State is obligated to promote special protection measures guided by the principle of the best interests of the child, assuming its role as guarantor with greater care and responsibility in light of the child's special condition of vulnerability.²³⁹ The special protection measures that the State must adopt are based on the fact that African children and adolescents are considered more vulnerable to systemic human rights violations, particularly those arising from environmental degradation.²⁴⁰ For its part, the United Nations Committee on the Rights of the Child has stated that, to ensure access to justice regarding climate change, States must guarantee child-friendly procedures for seeking redress through judicial mechanisms.²⁴¹ In fact, courts and other public bodies must facilitate access to justice and interpret existing legal principles so they can evolve and adapt to the climate emergency, thereby ensuring adequate protection of human rights, particularly the rights of children.²⁴²
- 79 Furthermore, the African Charter is unique in its explicit protection of environmental rights. For, Article 24 of the Charter establishes a clear relation between environmental protection and the realisation of other human rights, as environmental degradation and the adverse effects of climate change impair the effective enjoyment of human rights.²⁴³ In this regard, the African Commission on Human and Peoples' Rights (African Commission) has emphasised, through Resolution 417, that climate change responses must take into account vulnerable groups.²⁴⁴ This special recognition is also articulated in Article 3 of the UN Convention on the Rights of the Child, which mandates that all private and public actions concerning children consider the best interests of the child.²⁴⁵
- 80 Thus, in interpreting States' human rights obligations in light of the climate change crisis, this Court should recognise that both States and private actors must adopt a differentiated protection framework to end the violation of the human rights of children and adolescents. In this regard, this Honourable Court would not be alone, as the United Nations Committee on the Rights of the Child has also affirmed the obligation of States to "provide a framework to ensure that businesses respect children's rights through effective, child-sensitive legislation, regulation, enforcement and policies and remedial, monitoring, coordination, collaboration and awareness-raising measures."²⁴⁶ Moreover, the Inter-American Court, in its landmark climate advisory opinion, affirmed that the unique vulnerability of children necessitates differentiated protection

measures; these must be embedded within all state climate policies to ensure the equal enjoyment of their fundamental rights.²⁴⁷

- 81 In accordance with the principle of the best interests of the child, adequate responses to the climate change crisis must be implemented as quickly as possible, through a differentiated protection framework tailored to children and youth. This prioritised response is essential, as any delay in its implementation may result in grave and massive violation of their rights. Therefore, public and private actors must respond urgently and effectively to the climate crisis to safeguard the rights of children and youth.
- 82 Moreover, the recommended differentiated protection framework is consistent with the *Amicis*’ proposed intergenerational climate justice approach to States’ human rights obligations under the African Charter (*see Section II.C. and Section III.C. infra*). Intergenerational climate justice requires present generations to safeguard future generations from harm. In this regard, children represent the most immediate and visible link to those future generations, rendering differentiated protection not merely aspirational, but a present and enforceable responsibility.
- 83 The *Amici* further submit that an intergenerational climate justice approach—in addition to differentiated protection for children and youth—is necessary for the fulfilment of all other human rights obligations under the African Charter. The human rights most acutely at risk for children, youth, and future generations, as well as the implications for States’ obligations, are addressed in the sections that follow.

B. The Human Rights of African Children, Youth, and Future Generations Particularly Threatened in the Climate Change Crisis

- 84 As the 47 Member States of the United Nations Human Rights Council have recognised, “climate change has already had an adverse impact on the full and effective enjoyment of human rights.”²⁴⁸ The UN Special Rapporteur on human rights and climate change²⁴⁹ agreed, reporting “[t]hroughout the world, human rights are being negatively affected and violated as a consequence of climate change.”²⁵⁰
- 85 With temperatures rising, those effects will only get worse, for “every additional increase in temperature will further undermine the realization of rights.”²⁵¹ The Inter-American Commission on Human Rights emphasised that “climate change is one of the greatest threats to the full enjoyment and exercise of human rights of present and future generations[.]”²⁵² The Special Rapporteur for cultural rights aptly observed that “[c]limate change is the most significant intergenerational equity issue of our time. Children and future generations are bearing, or will come to bear, the brunt of its impact on a polluted, degraded planet.”²⁵³ Every fraction of a degree matters

in a climate change crisis that threatens virtually every human right: the Inter-American Court, to which this Court often refers, noted that global temperature rise “incrementally affect[s] and severely threaten[s] humanity—particularly those in situations of heightened vulnerability.”²⁵⁴

- 86 Therefore, although climate change impairs “a wide range of [human] rights,”²⁵⁵ and these rights are interrelated, it is instructive to focus—for the purposes of the current advisory opinion request before this Honourable Court in its consideration of States’ climate obligations under the African Charter—on the most fundamental human rights of African children, youth, and future generations that are under particular threat in the climate change crisis; these rights include: the rights of the child, the right to a satisfactory environment conducive to development, the right to life, the right to health, the right to education, and the right to economic, social and cultural development.

i. Rights of the child.

- 87 The ICJ, in its climate advisory opinion, also acknowledged that climate change threatens the human rights of children, highlighting that “extreme weather events and heightened water scarcity are already major contributors to malnutrition, as well as infant and child mortality and morbidity[.]”²⁵⁶ The basis of the rights of the child is enshrined in Article 18(3) of the African Charter.²⁵⁷ Further, as enumerated above, the ACRWC also recognises the rights of the child in that it acknowledges that children require additional protection due to their particular vulnerabilities. The ARWC additionally calls attention to the special risks posed to children, that “on account of the child’s physical and mental immaturity he/she needs special safeguards and care[.]”²⁵⁸

- 88 Drawing upon these observations, other international courts have found that States have specific human rights obligations to protect children from the impacts of climate change. The Inter-American Court’s climate advisory opinion provides helpful interpretive guidance as to the content and scope of these obligations; it recognised that the special vulnerability of children warrants differentiated protections that States must integrate into all public policies on climate change to guarantee equal enjoyment of rights.²⁵⁹ The Inter-American Court has elaborated numerous specific measures that States must adopt to guarantee children’s rights to environmental health, including their procedural rights, such as access to information and justice, participation,²⁶⁰ and special protections for child environmental human rights defenders.²⁶¹

ii. Right to a satisfactory environment conducive to development.

- 89 Climate change causes “substantial damages and increasingly irreversible losses” to terrestrial, freshwater, coastal, and open ocean ecosystems, which in turn threaten biodiversity, food security, and well-being;²⁶² therefore, climate change poses an unprecedented threat to the right to a satisfactory environment conducive to development, particularly for African children and

youth. The right to a satisfactory environment conducive to development is enshrined in Article 24 of the African Charter.²⁶³ Notably, in *Social and Economic Rights Action Center (SERAC) v. Nigeria*, the African Commission affirmed that the right to a satisfactory environment imposes clear obligations upon governments, and proceeded to clarify both their content and scope.²⁶⁴ It held that this right obliges States “to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources.”²⁶⁵ Finally, in *Ligue Ivoirienne des Droits de l’Homme (LIDHO) and others v. Republic of Côte d’Ivoire*, this Court articulated that the obligations imposed upon States to guarantee the right to a satisfactory environment involve the duties to respect, protect, promote, and implement the right.²⁶⁶

89.1 The obligation to respect requires the State to refrain from threatening or despoiling the environment; the obligation to protect requires the State to prevent third parties, including private corporations and multinational enterprises, from doing the same; and the obligations to promote and implement require States to take affirmative measures to ensure effective enjoyment of the right.²⁶⁷

89.2 In *LIDHO*, this Court found that the Respondent State violated Article 24 by failing to comply with its obligations to protect and implement the right.²⁶⁸ The violation stemmed from the Respondent State’s ineffective and unprompted decontamination of polluted sites²⁶⁹ as well as its failure to take appropriate legal, administrative, and other measures to prohibit the importation of toxic wastes as required by the Bamako Convention and applicable international law.²⁷⁰

89.3 This case is particularly instructive regarding the scope of States’ obligations to protect under this right, where, this Court held that the failure of private entities charged with treatment and disposal of the waste did not exonerate the State of its responsibility to guarantee and protect the environment, because the obligation to protect is a positive duty incumbent on the State regardless of whether the proximate harm was caused by a non-State actor.²⁷¹

90 The recognition of the right to a healthy environment in international law provides further interpretive guidance for the content and scope of Article 24, with such guidance proving especially helpful in the context of the climate change crisis. For, the ICJ in its climate advisory opinion, highlighted the primacy of this right, determining that a “clean, healthy and sustainable environment is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living.”²⁷² The ICJ found that this “right... results from the interdependence between human rights and the protection of the

environment.”²⁷³ Consequently, the ICJ held that State parties’ human rights treaty obligations cannot be fulfilled without simultaneously ensuring protection of this right.²⁷⁴

91 The Inter-American Court offers a comprehensive framework for understanding the right to a healthy environment in the context of the climate crisis. The Court’s analysis provides valuable interpretive guidance on four key issues: the autonomous and collective character of the right to a healthy environment; the recognition of Nature as a subject of rights; the *jus cogens* status of States’ obligation not to cause irreversible damage to the climate and the environment; and the emergence of an independent right to a healthy climate.

91.1 On the character of the right to a healthy environment, the Inter-American Court held that the “environment” can be understood interdependently.²⁷⁵ In its collective dimension, the right is a “universal value that is owed to both present and future generations,” resonating with Article 24’s own framing of the right as belonging to “[a]ll peoples.”²⁷⁶ This understanding of the right is particularly salient, as it aligns with the core concept of intergenerational climate justice (*see Section II.C. and Section III.C. infra*)—that current generations (including States) have obligations not to degrade environmental systems in ways that compromise the human rights and survival of future generations (including children and youth). In its individual dimension, a violation of this right “may have direct or indirect repercussions on the individual owing to its connectivity with other rights, such as the rights to health, personal integrity and life”—the same nexus that the African Commission identified in *SERAC* when it read Article 24 together with Articles 4 and 16 of the African Charter.²⁷⁷ As an “autonomous right,” it “protects the components of the environment, such as forests, rivers, and seas, as legal rights in themselves, even in the absence of certainty or evidence of the risk to the individual.”²⁷⁸

91.2 On the recognition of Nature as a subject of rights, the Inter-American Court held that “[r]ecognition of Nature’s right to conserve its essential ecological processes contributes to strengthening a truly sustainable development model that respects planetary limits and ensures the availability of crucial resources for present and future generations[.]”²⁷⁹ thereby reinforcing the connection to intergenerational climate justice. Under this understanding, the Court held that “States must not only refrain from acting in a way that causes significant environmental damage, but have the positive obligation to adopt measures to guarantee the protection, restoration and regeneration of ecosystems.”²⁸⁰ This obligation aligns with and extends the duties under Article 24 already identified by the African Commission in *SERAC* and *Center for Economic and Social Rights (CESR) v. Nigeria*, and subsequently affirmed by this Court in *LIDHO*.

91.3 As to the *jus cogens* status of the obligation not to cause irreversible damage to the climate and the environment, the Inter-American Court reasoned that the obligation to preserve the “equilibrium of the conditions for healthy life in the common ecosystem is a requirement for the present and future habitability of the planet,” and that the “obligation to preserve this equilibrium . . . should be interpreted as a peremptory international obligation.”²⁸¹ The Court explained:

“The existential interests of all individuals and species of all kinds – given their temporal and geographical importance – whose rights to life, personal integrity, and health have already been recognized by international law, crystallize the obligation to abandon anthropogenic conducts that pose a critical threat to the equilibrium of our planetary ecosystem. The prohibitions arising from the obligation to preserve our common ecosystem, as a precondition to the enjoyment of other rights that have already been identified as fundamental, are of peremptory importance and are, therefore, of a *jus cogens* nature.”²⁸²

91.4 The Inter-American Court’s general understanding of the right to a healthy environment, together with its specific determination that States’ duty not to cause irreversible damage to the climate holds *jus cogens* status, are important for two key reasons:

(a) **First**, the Court’s repeated acknowledgment of intergenerational climate justice as an overarching principle to be considered—and as an essential component of this right—combined with its characterization of obligations under this right as *jus cogens*, provides a strong foundation for, and should strengthen this Court’s resolve in, adopting an intergenerational climate justice *approach* to *all* States’ human rights obligations under the African Charter. Such a framework would embed intergenerational climate justice as a mandatory obligation in States’ human rights duties, requiring its full incorporation into both law and policy implementation. This approach would go beyond those reflected in the three recent climate advisory opinions, but it is far from unprecedented (as the above demonstrates). Adopting an intergenerational climate justice framework for States’ human rights obligations would not only be well received by the international human rights community, but would also advance the protection of rights of all African peoples—including children, youth, and future generations.

(b) **Second**, the science is clear (*see Section I.A.i. infra*), that the obligation to abandon anthropogenic activities that threaten the equilibrium of our planetary ecosystem necessarily includes the duty of States to forsake previous insufficient approaches to climate mitigation. Moreover, as noted above (*see Section I.B.v. infra*), to implement effective climate mitigation that maintains planetary equilibrium and

keeps the 1.5 °C guardrail with limited overshoot within reach, States must: (i) implement an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization; and (ii) adopt emergency measures to slow near-term warming, including fast mitigation of super climate pollutants (including the SLCPs methane, HFCs, tropospheric ozone, and black carbon and the longer-lived N₂O), while simultaneously protecting and restoring natural carbon sinks.

- 91.5 Finally, the Inter-American Court, for the first time, recognised the right to a healthy climate as an autonomous right, derived from the right to a healthy environment. The Court reiterated its consistent position that a healthy climate is grounded in “a climate system free of anthropogenic interferences that are dangerous for human beings and Nature as a whole.”²⁸³ It also (again) emphasized the centrality of intergenerational climate justice, stating that, in its collective dimension, the right to a healthy climate “protects the collective interest of present and future generations of human beings and other species in preserving a climate system that is suitable for ensuring their well-being,”²⁸⁴ while in its individual dimension it “acts as a precondition for the exercise of other human rights.”²⁸⁵
- 92 On the obligations arising from the right to a healthy environment and its derivative, the right to a healthy climate, the Inter-American Court defined three specific obligations, taking into account the combined challenge and effects of environmental pollution, biodiversity loss, and the climate crisis: mitigation of GHG emissions, protection of Nature and its components, and progress towards sustainable development.²⁸⁶
- 92.1 On mitigation of GHG emissions, each State must define a binding, ambitious target reflecting its current and historical cumulative emissions, its capabilities, and its current circumstances and treat the 1.5 °C Paris guardrail as a floor, not a ceiling.²⁸⁷ The target must be embedded in binding law with specific timelines, increase progressively, and be implemented through a human rights-based strategy meeting standards of procedural and substantive due diligence, requiring meaningful community participation, transparency, measurability, and maximum use of available resources.²⁸⁸ Mitigation strategies must cover GHG emissions, eliminate SLCP emissions as quickly as possible, and protect biodiversity and carbon sinks.²⁸⁹ On corporate regulation, States must require business enterprises to conduct human rights and environmental due diligence across entire value chains, disclose GHG emissions accessibly, and reduce them in line with national targets, with differentiated and stricter obligations on major emitters consistent with the polluter pays principle.²⁹⁰ Effective compliance monitoring, independent assessment, public access to information, and sanctions are all required, as is the duty to prevent and punish corruption that undermines mitigation and adaptation measures.²⁹¹ States must further

evaluate effects on the climate system for all projects posing significant GHG risk through independent assessments that analyse cumulative impacts, ensure participation of affected parties, including children, youth, and local and Indigenous peoples, and draw on the best available science.²⁹²

- 92.2 On protection of Nature and its components, States must identify and record threats to ecosystemic resilience at the local and national levels, and establish and implement strategies to protect ecosystems harmed by climate change effects, including through the expansion of protected areas and terrestrial, maritime, and coastal biological corridors.²⁹³ States must cooperate on the protection of transboundary ecosystems and establish regional platforms that integrate scientific and indigenous traditional knowledge for climate information sharing, impact and risk assessment, and adaptation planning.²⁹⁴
- 93 On progress towards sustainable development, States are obligated to promote a transition towards sustainable development, and the existence of such a strategy in domestic law and policy is an obligation that is immediately enforceable.²⁹⁵ Such measures are subject to progressive realisation, requiring deliberate, concrete, and targeted steps to the maximum extent of available resources, and retrogressive measures are incompatible with this obligation.

iii. Right to life.

- 94 Climate change directly threatens the fundamental human right to life: As the United Nations Human Rights Committee observed, “environmental degradation [a direct result of climate change] can compromise effective enjoyment of the right to life, and that severe environmental degradation can . . . lead to a violation of the right to life.” Children are particularly vulnerable to heat-related mortality (*see Section II.A.i. supra*), underscoring the heightened risk climate change poses to the right to life of children and youth. Moreover, the right to life is universally recognised, enshrined in nearly every human rights instrument, including Article 4 of the African Charter, Article 3 of the Universal Declaration on Human Rights, Article 6 of the Convention on the Rights of the Child, and Article 5 of ACRWC.²⁹⁶
- 95 The African Commission and this Court have consistently emphasised the primacy of this right. As articulated by the African Commission, “[t]he right to life is the fulcrum of all other rights. It is the fountain through which other rights flow, and any violation of this right without due process amounts to arbitrary deprivation of life.”²⁹⁷ This Court echoed the Commission in its description of the right to life’s primacy and foundational nature, noting the right holds “an unparalleled status as the most sacred and fundamental of all rights, as it serves as the bedrock of human dignity and the essence of existence.”²⁹⁸

95.1 This Court has defined a unique feature of its human rights system where, “[c]ontrary to other human rights instruments, the [African] Charter establishes the link between the right to life and the inviolable nature and integrity of the human being.”²⁹⁹ To guarantee the right to life, this Court established that “international human rights law imposes a fourfold obligation on States, being, to respect, protect, promote and implement the rights guaranteed.”³⁰⁰ This requires the State to go “beyond mere commitment to refrain from infringing on life to include the obligation to prevent and deter infringements of this right by third parties.”³⁰¹ This Court further clarified that this duty extends to “reasonably foreseeable threats and to life-threatening situations even if they do not actually result in loss of life.”³⁰² The Charter, as the African Commission commented and this Court repeated, “imposes on States a responsibility to prevent arbitrary deprivations of life caused by its own agents, and to protect individuals and groups from such deprivations at the hands of others.”³⁰³

95.2 The African human rights system has readily applied Article 4 to severe cases of environmental degradation. In *SERAC*, the Commission found a violation of the right to life where government forces and oil consortia caused “pollution and environmental degradation to a level humanly unacceptable [that] has made it living in the Ogoni land a nightmare.”³⁰⁴ The Commission determined that “the survival of the Ogonis depended on their land and farms that were destroyed by the direct involvement of the government.”³⁰⁵

96 The primacy of this right, and its vulnerability to climate harms, is recognised across other human rights courts. The Inter-American Court stressed that “the damage caused by environmental degradation and climate change constitutes one of the most serious threats to the capacity of present and future generations to enjoy the right to life[,]”³⁰⁶ once again grounding its interpretation of the right’s content and scope in the principle of intergenerational climate justice. Accordingly, the Court held that States have “specific duties to protect these rights in the context of the climate emergency,” obligating them to proactively mitigate threats to physical integrity.³⁰⁷ The ICJ affirmed that the adverse effects of climate change impair the enjoyment of this right, whose fulfilment depends on State measures “to preserve the environment and protect it against the adverse effects of climate change caused by anthropogenic GHG emissions.”³⁰⁸

iv. Right to health.

97 Numerous human rights bodies and special rapporteurs have recognised the threat posed by climate change to the right to health.³⁰⁹ The Inter-American Court, for its part, identified health as a substantive right that is profoundly threatened by anthropogenic environmental degradation [which can be caused by climate change] that can increase incidences of respiratory and

cardiovascular diseases, malnutrition, and vector-borne illnesses such as dengue and malaria.³¹⁰ Children are especially susceptible to vector-borne diseases (*see Section II.A.i. supra*), highlighting the heightened risk climate change poses to the right to health of children and youth.

98 The right to health is enshrined in Article 16 of the African Charter, which establishes that “[e]very individual shall have the right to enjoy the best attainable state of physical and mental health.”³¹¹

98.1 This Court has extensively analysed the content of the right to health in the case of *La LIDHO, LE MIDH, LA FIDH & others vs Republic of Cote d’Ivoire*, where this Court noted the Commission’s emphasis that the right to health is vital to all aspects of a person’s life and well-being and serves as a crucial foundation for the realization of all other fundamental human rights.³¹² Further, this Court identified four essential, interrelated elements of the right: availability, accessibility, acceptability, and quality.³¹³ A State is considered in breach of its obligations if it fails to take *all necessary measures* to protect persons within its jurisdiction from infringements of the right to health by third parties.³¹⁴

98.2 In the context of the toxic waste dumping in Côte d’Ivoire, the Court found a violation of Article 16 because the State failed to prevent the dumping and subsequently failed to ensure that affected individuals had full access to quality health care.³¹⁵ Although some urgent measures were taken by the State, the Court ruled they were insufficient and inadequate given the scale of the consequences and the continuing health issues reported by victims, such as respiratory problems and miscarriages.³¹⁶ As a result of these findings, the Court ordered the State to provide victims with adequate and appropriate medical and psychological assistance.³¹⁷

99 The right to health has also been addressed by other regional and international courts. The ICJ,³¹⁸ ITLOS,³¹⁹ and the Inter-American Court³²⁰ all characterise the right to health as a fundamental human right that is severely jeopardised by the ongoing climate crisis.

99.1 A significant aspect of the Inter-American Court’s approach to the right to health is the explicit recognition of the mental health impacts caused by the climate crisis. The Court observed that the climate emergency is causing widespread emotional anguish and “eco-anxiety,” particularly among children and adolescents who face an increasingly uncertain and adverse climate future.³²¹ Thus, States are obligated to progressively adopt measures to ensure children have access to integral health services capable of treating these climate-linked mental illnesses.³²²

99.2 Under a standard of enhanced due diligence, the Inter-American Court outlined specific positive obligations for States to ensure the right to health remains effective during the

climate emergency: States must proactively increase the resilience of national health systems by integrating disaster risk management into all levels of care and ensuring that medical infrastructure can withstand extreme weather events,³²³ States must ensure an adequate water supply for drinking and sanitation during heatwaves and droughts,³²⁴ and States must make medical care in communities affected by climate disasters accessible.³²⁵ These health protections must be implemented, prioritising the most vulnerable groups who bear the brunt of climate impacts despite contributing the least to their causes.³²⁶

v. *Right to education.*

- 100 The Inter-American Court, for its part, characterised education as an “intrinsic human right and an indispensable means of realizing other human rights,” and found that the enjoyment of this right is directly impaired by the extreme weather events attributable to climate change, which affect academic attendance, performance, and educational infrastructure.³²⁷ Climate change directly undermines children’s and youth’s rights to education by destroying school infrastructure and facilities through extreme weather events, causing extreme heatwaves that cause school closures, and exacerbating socio-economic pressures that may force students to drop out (*see Section II.A.ii. supra*). The right to education is guaranteed to every individual under Article 17 of the African Charter and, with particular protection for children under Article 11 of the ACRWC. The latter provision further requires that children’s education be directed to “the development of respect for the environment and natural resources.”³²⁸
- 101 This Court has affirmed that the right to education is a social, economic and cultural right requiring adequate financial resources, and that it must be realised in an “available, accessible, acceptable and adaptable” form.³²⁹ In *Centre for Human Rights and Others v. United Republic of Tanzania*, this Court elaborated the substantive content of each of these four dimensions: *Accessibility* requires that education be obtainable by everyone without discrimination and that it be physically and economically attainable.³³⁰ *Availability* requires that functioning educational institutions and programs exist in sufficient quantity within the State’s jurisdiction.³³¹ *Acceptability* requires that the form and substance of education be relevant, culturally appropriate, and of good quality.³³² *Adaptability* requires that education be sufficiently flexible to respond to the needs of changing societies and to the diverse social and cultural settings of students.³³³ The climate change crisis threatens each of these dimensions: it destroys school infrastructure, displaces communities, disrupts attendance and academic performance through extreme weather events, and renders existing curricula inadequate in the face of urgent environmental realities.
- 102 International and regional courts have confirmed and elaborated the obligations to protect and respect this right in the climate change context.

- 102.1 The Inter-American Court recognized that the right to education occupies a position of particular prominence among the special measures of protection owed to children, and derived from this three concrete State obligations: (i) to strengthen the resilience of educational infrastructure against the impacts of climate change; (ii) to ensure continuity of learning in the face of climate risks and disasters; and (iii) to integrate mechanisms for dealing with climate disasters into training plans for students and teachers.³³⁴
- 102.2 The ICJ similarly held that “the adverse effects of climate change hinder the full enjoyment of human rights,” including those of children and those whose livelihoods are threatened. The ICJ defined the scope of the educational right within the existing climate treaty framework: under the UNFCCC, States bear an obligation to cooperate in “education, training and public awareness related to climate change,” an obligation substantively expanded by Article 12 of the Paris Agreement, which requires States to “cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation, and public access to information.”³³⁵
- 102.3 ITLOS reinforced this understanding, recognising that scientific, technical, and educational assistance to developing States particularly vulnerable to the adverse effects of climate change constitutes a legally significant means of addressing an inequitable situation, and that such assistance, grounded in the UNFCCC and Paris Agreement frameworks, can itself serve as a remedial mechanism for climate-induced harms.³³⁶

vi. Right to economic, social and cultural development.

- 103 Climate change is increasingly undermining African youth’s prospects for economic stability, social inclusion, and the preservation of cultural identity by disrupting livelihoods, exacerbating inequality, and threatening traditional ways of life. The right to economic, social, and cultural development is a fundamental right recognised under Article 22(1) of the African Charter and bolstered by Article 22(2), which establishes individual and collective State obligations to ensure the free exercise of the right to development.³³⁷ This provision ensures that development is treated as a binding legal entitlement that requires the active participation of the people it affects. This right has also been recognised under other instruments.³³⁸
- 104 The Inter-American Court characterises the right to development as a comprehensive economic, social, cultural, and political process aimed at the “constant improvement of the well-being of the entire population” and all individuals, as recognised by the United Nations General Assembly declaration on the right to development.³³⁹ In the context of the climate emergency, the Court emphasised that development is a holistic process that must be sustainable, requiring a delicate

balance between economic growth, social progress, and environmental protection.³⁴⁰ Consequently, States are bound by an immediately enforceable obligation to incorporate sustainable development strategies into their domestic laws and public policies.³⁴¹ Furthermore, the Court affirmed that all persons and peoples are entitled to participate in, contribute to, and enjoy development, emphasising that the mobilisation of resources for climate action should not compromise this fundamental right.³⁴²

- 105 In conclusion, climate change threatens a wide range of interrelated and overlapping human rights—including those that are the most fundamental—and it also acutely jeopardises the rights of children, youth, and future generations,³⁴³ highlighting the urgent need for this Court to adopt an intergenerational climate justice approach to States’ human rights obligations under the African Charter. This approach is discussed within the next section.

C. An Intergenerational Climate Justice Approach to States’ Obligations Must Be Taken to Protect the Rights of African Children, Youth, and Future Generations from Climate Change Impacts and Risks.

- 106 The *Amici* contend that States’ human rights obligations under the African Charter must be framed through an intergenerational climate justice approach, where intergenerational climate justice is a mandatory component of States’ human rights duties, such that any failure to incorporate intergenerational climate justice into implementation measures^{vi} constitutes a violation of these obligations. As discussed, this approach is supported by recent international court jurisprudence, rendering the present advisory opinion request a timely, and significant opportunity for this Honourable Court—situated within the youngest continent of the world—to distinguish itself as a leader in safeguarding the rights of children, youth, and future generations under the African Charter in the face of the climate change crisis.
- 107 An intergenerational climate justice approach (*see Figure 1, infra*) builds upon the foundational pillars of the principles of intergenerational equity and common but differentiated responsibilities and respective capacities (CBDR-RC). Although often used interchangeably, the concepts of intergenerational equity and justice differ in a significant way: equity provides the specific tools needed to mitigate existing inequality (for example, through affirmative action), whereas justice seeks to change the system (for example, through removing systemic barriers) to provide equal access to tools and opportunities, such that the custom tools are no longer

^{vi} “Implementation measures” include all legislative, administrative, judicial, and policy actions undertaken by States to give effect to their human rights obligations, including but not limited to the adoption of climate laws and policies, regulatory standards, national adaptation and mitigation strategies, budgetary allocations, environmental impact assessments as well as access to information, access to best available science, public participation processes, remedies and enforcement mechanisms.

needed.³⁴⁴ Together, the pillars of intergenerational equity and CBDR-RC support an obligation of fairness across time and among State actors to ensure that the most capable actors discharge the heaviest share of a collectively-held responsibility to future generations, whereby the costs and burdens of climate action are distributed according to historical and current capabilities.

- 108 The principle of intra-generational equity, the precautionary principle, and the principle of sustainable development particularly inform and reinforce intergenerational equity, as well as CBDR-RC. These pillars must be rooted in the best available science and knowledge, as well as in an intersectional approach that reckons with systems of oppression and marginalisation that exacerbate climate impacts and injustice. Altogether, these principles form and strengthen the branches of the overarching framework of intergenerational climate justice.

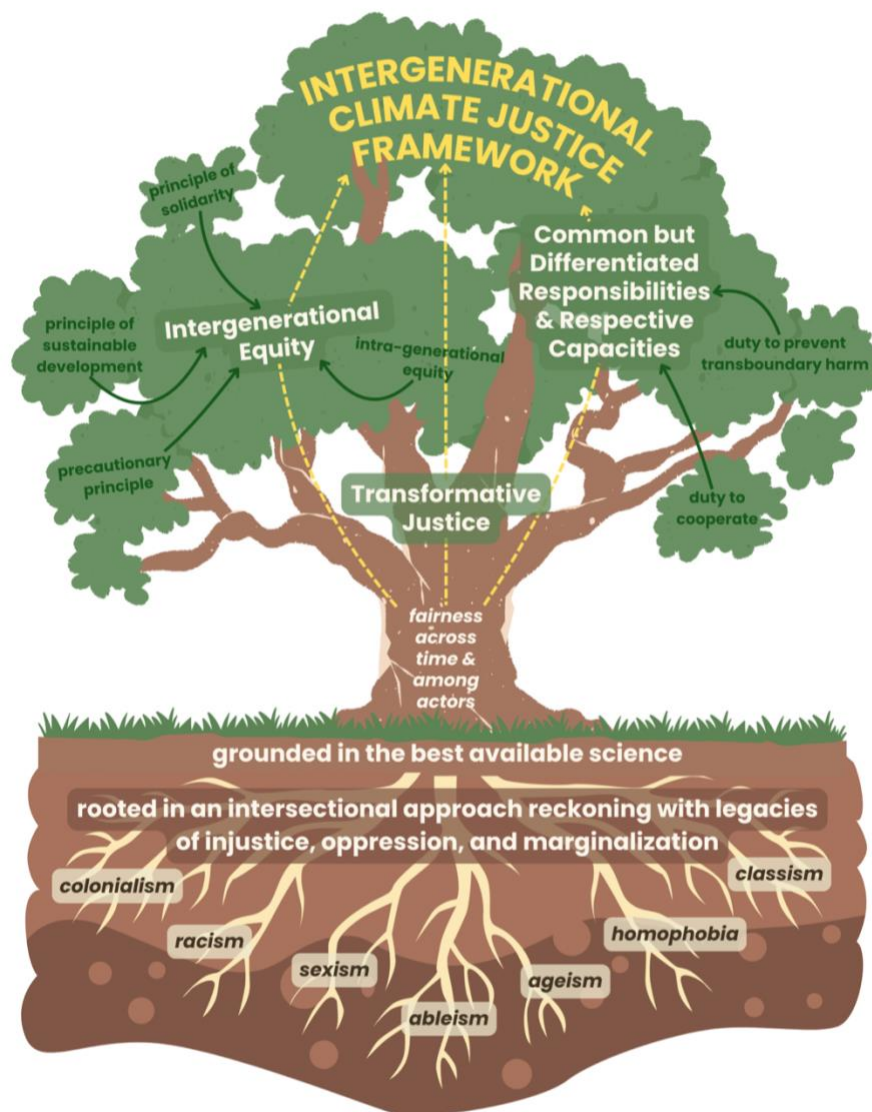


Figure 1. An Intergenerational Climate Justice Framework

- 109 Intergenerational climate justice is harmonious with the African philosophy of ecological ubuntu, which emphasises the interconnectedness between humanity and nature. Ubuntu (“I am because we are”) promotes a vision of the past, present, and future where the environment is a sacred communal heritage belonging to the living, the dead, and the unborn. Under this philosophy, every generation acts as both a custodian and a beneficiary of the planet’s natural systems, carrying a fiduciary duty to manage resources—including the atmosphere—sustainably.
- 110 States must take an intergenerational climate justice approach to all of their respective obligations under the African Charter (including, and especially, those of particular threat enumerated above) in order to protect the rights of African children, youth, and future generations from climate change impacts and risks; this approach, and the principles informing this approach, will be described in detail below. This brief will discuss intergenerational climate justice in the context of addressing climate change impacts and risks (below) and the context of ensuring access to justice (*see Section III infra*).
- i. An intergenerational climate justice approach includes the pillar of intergenerational equity, which is informed by the principle of intra-generational equity, the precautionary principle, and the principle of sustainable development.*
- 111 **Intergenerational equity** is understood as a principle of fairness requiring current generations to act as trustees of humanity to ensure that the needs of the present generation are met without compromising the ability of future generations to satisfy their own needs. Intergenerational equity also encompasses the **principle of intra-generational equity**, which addresses fairness among members of the current generation by equitably distributing the burdens of climate action and upholding the right to self-determination among current generations. Together with the precautionary principle and the principle of sustainable development, intergenerational equity forms a concrete legal standard that obligates States to equitably distribute the burden of climate action and climate impacts between and across generations by taking due care to act cautiously and sustainably. By way of example, under the application of these principles—and the larger intergenerational climate justice approach—States are in breach of their obligations under the African Charter if they implement climate policies which disproportionately burden children, youth and future generations; further the application of the principle of intergenerational equity to States’ obligations ensures that those who have contributed most to the causes of climate change bear a larger share of the responsibility for its consequences.
- 112 The recognition of intergenerational equity within the climate change context is not new: in 1972, the Stockholm Declaration first recognised the fundamental human right to a healthy environment, establishing the “solemn responsibility to protect and improve the environment for

present and future generations.”³⁴⁵ Further, in 1987, the Brundtland Report defined the principle of sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”³⁴⁶ Moreover, in 1992, the Rio Declaration similarly stated that “[t]he right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”³⁴⁷

- 113 Further, within the climate change treaty framework, Article 3(1) of the UNFCCC mandates that parties “should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity ...”³⁴⁸ The Paris Agreement also acknowledges climate change as a “common concern of humankind” and instructs parties to “respect, promote and consider ... intergenerational equity” when taking climate action.³⁴⁹ Finally, the Maastricht Principles on the Human Rights of Future Generations recognise that human rights apply without temporal limitations, requiring States to restrict “activities that undermine the rights of future generations, including the unsustainable use of natural resources and the destruction of Nature.”³⁵⁰
- 114 Furthermore, across the national landscape, numerous African States have institutionalised intergenerational equity within their constitutional frameworks. For example, Angola, Burundi, Côte d’Ivoire, Eritrea, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Niger, Senegal, South Africa, South Sudan, and Zimbabwe recognise or incorporate this principle in their preambles or substantive provisions.³⁵¹
- 115 The three recent climate advisory opinions from the ICJ, the Inter-American Court, and ITLOS broadly recognise, accept, and clarify the principle of intergenerational equity.
 - 115.1 In its landmark climate Advisory Opinion, the ICJ affirmed intergenerational equity as a manifestation of general equity that must guide the interpretation of States’ binding climate obligations under both treaty and customary law.³⁵² The Court’s reasoning echoed its 1996 finding that the environment represents “the living space, the quality of life and the very health of human beings, including generations unborn.”³⁵³ This principle requires States to act as “trustees of humanity” by enacting and implementing environmental policies that ensure that current generations leave behind a stable environment that allows future generations similar development opportunities.³⁵⁴
 - 115.2 As discussed (*see Section II.B.ii. infra*), the Inter-American Court’s Advisory Opinion expanded the concept of intergenerational equity by recognising an autonomous right to a healthy climate to protect the shared interests of present and future humanity, as well as Nature itself.³⁵⁵ The Court described intergenerational equity as a “structural principle” of international environmental law that must guide the interpretation of all State

obligations.³⁵⁶ Critically, the Court recognized that the prohibition of irreversible anthropogenic damage to the climate system has attained the status of *jus cogens*, making the protection of the climate system for present and future generations a non-derogable obligation for all States.³⁵⁷ Furthermore, the Court established that the right to a healthy environment has a collective dimension that constitutes a universal value owed to both present and future generations, identifying future generations as a “legal and moral community that endures over time.”³⁵⁸

- 115.3 In its climate advisory opinion, ITLOS interpreted the UNCLOS Article 194(1) obligation to prevent, reduce, and control marine pollution as a mandate to mitigate existing pollution while preventing future or potential pollution.³⁵⁹ ITLOS interpreted the general obligation of States to protect and preserve the marine environment as an open-ended duty,³⁶⁰ which it previously determined extends both to protection from future damage and preservation of its present condition.³⁶¹ ITLOS determined that the obligation of due diligence is closely linked with the precautionary approach, which necessitates consideration of risks involved.³⁶²
- 116 Ensuring intergenerational equity requires risk-averse and forward-looking action. The duty to protect encompasses an obligation to regulate, mitigate, and prevent foreseeable harms, which includes adopting and implementing effective mitigation measures to limit warming to the 1.5 °C guardrail with limited overshoot, and thereby avoid catastrophic and potentially irreversible impacts. Therefore, as intergenerational equity is informed by the principles of precaution and sustainable development, these principles further inform the broader intergenerational climate justice approach.
- 117 The **precautionary principle** demands that a lack of full scientific certainty cannot be used a reason for postponing cost-effective measures to prevent environmental degradation.³⁶³ The UNFCCC embraces this principle, holding that States “should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures”³⁶⁴
 - 117.1 Domestic African courts have applied the precautionary approach in critical ways. In South Africa, the Constitutional Court noted that the precautionary principle, as codified in the National Environmental Management Act, requires authorities to take a “risk-averse and cautious approach” and applies wherever there is uncertainty as to the future impact of a proposed project.³⁶⁵ Citing this case, the Eastern Cape High Court later noted that the burden of proof lies on the defending party to argue that the precautionary principle does not apply.³⁶⁶ In Kenya, the Nakuru High Court relied on the precautionary principle to

determine that environmental harm may be assumed—even in the absence of conclusive evidence—when a project does not follow the proper procedures.³⁶⁷

- 117.2 The three climate advisory opinions have similarly recognized the importance of the precautionary principle and its application within human rights law. The ICJ identified the precautionary approach as a “guiding principle” for the interpretation and application of treaty and customary law.³⁶⁸ The Court agreed with ITLOS’s determination that the precautionary approach is an “integral part of the general obligation of due diligence” and guides States in determining the required standard of conduct for the duty to prevent significant harm.³⁶⁹ The Court also affirmed Article 3 of the UNFCCC and Principle 15 of the Rio Declaration by noting that the lack of full scientific certainty cannot be used to postpone cost-effective measures to prevent environmental damage.³⁷⁰ This approach includes using extreme “prudence and caution” in employing any technologies that may pose additional risks.³⁷¹ The Inter-American Court explicitly connected the principle of intergenerational equity with the precautionary principle, and clarified that States must adopt “effective” measures to prevent severe or irreversible environmental damage.³⁷² According to the Court, the precautionary principle supplements the general obligation of prevention, which is satisfied when the State regulates, supervises, and monitors private activities that may threaten human rights.³⁷³
- 117.3 Moreover, the UN Committee on Economic, Social and Cultural Rights has explained that the unacceptable harm the precautionary principle demands to be avoided or diminished, even in the absence of full scientific certainty, includes “harm to humans or to the environment that is: (a) threatening to human life or health; (b) serious and effectively irreversible; (c) inequitable to present or future generations; or (d) imposed without adequate consideration of the human rights of those affected.”³⁷⁴ Finally, the UN Committee on the Rights of the Child also stressed that “States have a due diligence obligation to take appropriate preventive measures to protect children against reasonably foreseeable environmental harm and violations of their rights, paying due regard to the precautionary principle.”³⁷⁵
- 118 Furthermore, the **principle of sustainable development** also informs the principle of intergenerational equity, where sustainable development, in the context of intergenerational equity, means meeting the needs of the present without compromising the ability of future generations to meet their needs.³⁷⁶
- 118.1 Within the African human rights system, the principle of sustainable development has been refined across a range of instruments. Under the African Charter, Article 22 on the right to

development and Article 24 on the right to a satisfactory environment read together establish a rights-based foundation for sustainable development.³⁷⁷ The African Commission confirmed this interpretation in finding that the fulfilment of the right to development requires sustainable use of the environment, “which fulfills the needs of the present generation, without compromising the ability of future generations to meet their own needs.”³⁷⁸ In this context, the Commission clarified that sustainability must be understood as encompassing “all aspects of [future generations’] lives and livelihoods . . .”³⁷⁹ Other instruments, such as the Maputo Protocol and the Revised African Convention on the Conservation of Nature and Natural Resources, equally recognize the principle.³⁸⁰

118.2 The recent climate change advisory opinions also elaborated the principle of sustainable development. The ICJ defined the principle as concerning the “need to reconcile economic development with protection of the environment,” confirming that it guides UNFCCC implementation.³⁸¹ Additionally, the Inter-American Court characterised sustainable development as a “comprehensive economic, social, cultural and political process” aimed at the constant improvement of the well-being of the entire population and held that achieving a balance where economic growth does not compromise the ecological thresholds of the planet is an obligation States must discharge with immediacy.³⁸²

ii. An intergenerational climate justice approach includes the pillar of the principle of common but differentiated responsibilities and respective capacities.

119 The **principle of common but differentiated responsibilities and respective capacities** (CBDR-RC)—expressing that all States have responsibilities to mitigate climate change but that those responsibilities are differentiated—recognises the historical and physical science aetiology of climate change. First, the principle recognises that climate change is a global problem and that all States have an obligation to address it (the “common” part of the principle).³⁸³ Second, the principle recognises the historical fact that developed countries have not only contributed more to climate change but also have a heightened capacity to address it (the “differentiated” part of the principle).³⁸⁴

120 Intergenerational equity and CBDR-RC inform and reinforce one another. The intergenerational equity dimension of CBDR-RC forecloses any argument that the collective or multi-causal nature of climate change dissolves individual State responsibility, even when no State can properly mitigate climate change on its own. For, the CRC has stressed that “[i]n accordance with the principle of [CBDR], as reflected in the Paris Agreement, the Committee finds that the collective nature of the causation of climate change does not absolve the State party of its individual responsibility that may derive from the harm that the emissions originating within its

territory may cause to children, whatever their location.”³⁸⁵ Additionally, the principles of intra-generational equity, precaution, and sustainable development further reinforce CBDR-RC by requiring States to exercise an enhanced standard of due diligence and commit the maximum available resources toward immediate, proactive measures aimed at protecting the rights of those most vulnerable to current and foreseeable climate hazards. CBDR-RC in turn informs intergenerational equity by acknowledging historical responsibility as a basis for current conduct, thereby ensuring that developed States and major emitters assume the lead in mitigation, preventing offloading an “impossible reduction task” onto children, youth, and future generations.

- 121 The African Commission’s consistent incorporation of CBDR-RC into its approach to climate change and human rights reflects how the principle operates as an instrument of intergenerational equity. The Commission recognises that climate change is primarily driven by GHG emissions that remain disproportionately high in developed countries, while African States have contributed relatively little, yet face severe and disproportionate human rights impacts, particularly for vulnerable groups such as indigenous communities, women, and rural populations.³⁸⁶ This asymmetry represents more than an injustice among present generations, but equally an intergenerational injustice, since the communities most vulnerable today are those whose future generations will inherit the most degraded environments and the fewest resources with which to adapt. Building on this premise, the Commission has explicitly linked climate action to the equity-based framework of the UNFCCC, emphasising that international responses must reflect CBDR-RC, including the obligation of developed countries to take the lead in mitigation while enabling African States to pursue sustainable development, effective adaptation, and mitigation through finance, technology transfer, and cooperation.³⁸⁷
- 122 The three climate advisory opinions from the ICJ, ITLOS, and Inter-American Court characterise CBDR-RC as a foundational legal cornerstone for addressing the climate change crisis.
 - 122.1 The ICJ defines CBDR-RC as a “core guiding principle for the implementation of climate change treaties” that reflects the necessity of distributing the burdens of climate action equitably.³⁸⁸ According to the ICJ, the principle acknowledges the historical responsibility of developed States for cumulative GHG emissions while recognizing that the measures expected from any given State must vary based on its current economic development, social conditions, and technical capacity.³⁸⁹
 - 122.2 ITLOS integrates CBDR-RC by clarifying that, while the primary obligation to protect the marine environment applies to all, States with greater scientific, technical, and financial resources are legally required to do more to reduce emissions than those less well-

placed.³⁹⁰ ITLOS emphasises that although developed countries must “continue taking the lead,” the principle does not exempt any State from the duty to act; rather, it ensures that the implementation of due diligence is tailored to each State’s available resources.³⁹¹

122.3 The Inter-American Court uses CBDR-RC to interpret the obligations of States in relation to the climate emergency, and as a mandatory guide for States while defining their national mitigation targets.³⁹² The Court asserts that a State’s mitigation efforts must be determined by a qualitative assessment of three factors: its historical and current contribution to climate change, its internal capacity (such as public debt and tax base), and its specific national circumstances (including poverty levels).³⁹³ A significant distinction made by the Inter-American Court is that while the existence of the obligation to prevent human rights violations from climate change applies equally to all States regardless of development, the scale and cost of the measures required to fulfil that obligation, through an enhanced due diligence standard, are differentiated.³⁹⁴ Furthermore, the Court highlights that the principle is essential for the obligation of international cooperation, requiring developed nations to provide the financing and technology transfer necessary for a just transition.³⁹⁵

iii. An intergenerational climate justice approach must be grounded in the best available science and knowledge.

123 All three climate Advisory Opinions relied on the best available science to clarify States’ obligations in the face of the climate change crisis, confirming this grounding in the best available science reflects international legal consensus.

124 In its climate Advisory Opinion, the Inter-American Court anchored its analysis in the findings of the IPCC, characterising it as “the most authoritative source of scientific guidance on climate change” and underscoring both its methodological rigour and broad acceptance by States as the basis for its dependence.³⁹⁶ The Court further aligned its approach with that of ITLOS and the European Court of Human Rights (ECtHR), treating the climate science synthesised in IPCC reports as both an evidentiary benchmark and as a source of normative orientation.³⁹⁷

124.1 By expressly grounding its reasoning in IPCC findings,³⁹⁸ the Inter-American Court elevated climate science to the status of a normative benchmark for assessing human rights compliance. Relying on the best available science, the Court characterised the climate crisis as an “existential threat” driven by anthropogenic emissions.³⁹⁹ According to the prevailing scientific consensus, human-induced climate change has already generated—and will continue to generate—profound disruptions to natural systems, with grave repercussions for all dimensions of human life, amounting to “existential risks.”⁴⁰⁰ This

evidentiary framework allowed the Court to tether legal obligations to scientifically defined thresholds, most prominently the 1.5 °C guardrail, which it treated as both a scientifically established and legally recognised boundary in light of its codification in the Paris Agreement.⁴⁰¹ The Court's recognition of non-linear dynamics and climate tipping points—including the prospect of cascading and irreversible changes beyond 1.5 °C⁴⁰²—accordingly strengthened its case for a precautionary approach to State conduct.⁴⁰³

124.2 The Inter-American Court concluded that all individuals possess both substantive and procedural rights to benefit from measures based on the best available science, as well as on the recognition and integration of local, traditional, and Indigenous knowledge systems.⁴⁰⁴ The Court affirmed that States bear positive obligations to incorporate and operationalise the best available scientific knowledge in climate-related decision-making processes.⁴⁰⁵ This entails reliance on the best available science—defined as knowledge that is current, peer-reviewed, transparent as to its assumptions and uncertainties, verifiable, reproducible, and methodologically sound.⁴⁰⁶ The Court reiterated that, at present, the reports of the IPCC constitute the best available scientific authority on climate change.⁴⁰⁷

124.3 Additionally, the Inter-American Court emphasised the duty to incorporate local, traditional, and Indigenous knowledge into climate-related decision-making.⁴⁰⁸ This entails adopting specific measures to safeguard and strengthen these knowledge systems, as well as to protect the rights of Indigenous Peoples.⁴⁰⁹ To enhance the sustainability and legitimacy of climate action, States must encourage the co-production of knowledge by fostering sustained dialogue between scientific communities and the holders of local, traditional, and Indigenous knowledge.⁴¹⁰

124.4 From this scientific perspective, the Inter-American Court derived concrete legal consequences. It underscored the urgency of rapid and ambitious mitigation, including the swift reduction of SLCPs and N₂O capable of delivering near-term climate benefits,⁴¹¹ and insisted that States integrate scientific findings into their climate-related human rights obligations, using the best available science and knowledge.⁴¹² The Inter-American Court also recognized the human rights to science and to the recognition of local, traditional, and Indigenous knowledge, as both substantive and procedural rights, requiring States to ensure public access to the benefits of science and to integrate local, traditional, and Indigenous knowledge into decision-making.⁴¹³ In doing so, the Court situated climate science at the core of human rights governance: as the evidentiary basis for recognizing the climate emergency, the metric for defining legal thresholds, and the operational guide for States' mitigation and adaptation obligations.

- 125 The ICJ likewise identifies the IPCC as the “best available science” on the causes, characteristics, and consequences of climate change.⁴¹⁴ Relying on that scientific record, the Court affirmed that cumulative GHG emissions constitute the principal driver of risks associated with anthropogenic climate change.⁴¹⁵ In light of the evidence demonstrating that risks, projected adverse impacts, and related loss and damage intensify with each increment of global warming, the Court concluded that the due diligence standard under the customary obligation to prevent significant harm to the climate is stringent.⁴¹⁶ It further interpreted the Paris Agreement as requiring States parties to calibrate their commitments in accordance with the best available scientific evidence on climate risk.⁴¹⁷
- 126 ITLOS also relied on the IPCC to establish the factual framework of its climate Advisory Opinion, highlighting the IPCC’s robust procedures and noting the broad acceptance of its authority.⁴¹⁸ After synthesising IPCC findings on the drivers of climate change and the significant impacts of anthropogenic GHG emissions, including CO₂ and methane, on the marine environment, ITLOS emphasised the predictability and gravity of resulting harm.⁴¹⁹ This scientific basis informed its interpretation of States’ obligations under UNCLOS, including the application of a “stringent” due diligence standard.⁴²⁰
- 127 In conclusion, the *Amici* collectively define intergenerational climate justice as a mandatory legal and ethical framework to ensure a healthy, clean, sustainable, and stable planet for current and future generations, recognising the Earth as a sacred heritage received on loan from future generations. This framework is *rooted in* the philosophy of ecological ubuntu and intersectionality, *grounded in* the best available science, *supported by* the pillars of intergenerational equity and CBDR-RC, and *informed by* the principles of intra-generational equity, precaution, and sustainable development. This framework requires dismantling the historical, political, and structural injustices that continue to exist and compensation for such harms that now shape and exacerbate climate vulnerabilities today. Simultaneously, through current decision-making processes and courtroom proceedings, this framework is the guarantee of the same opportunities and rights between and across generations by establishing children and youth as co-decision-makers and able to obtain sufficient remedies or administrative responses. Ultimately, this approach leads to the indisputable conclusion that fast mitigation to keep warming to the 1.5 °C guardrail with limited overshoot, along with differentiated protections for children and youth, and access to justice for today’s children and youth as well as tomorrow’s, is the only way to deliver intergenerational climate justice.

iv. An intergenerational climate justice approach requires immediate effective mitigation to remain under 1.5 °C.

- 128 As demonstrated, intergenerational climate justice necessitates immediate effective mitigation. Although adaptation remains critical, intergenerational climate justice is unattainable absent effective mitigation. Delayed or inadequate mitigation shifts the burden onto children, youth, and future generations, both in terms of the devastating effects of climate change on human rights as well as in terms of the astronomical costs of adaptation. As the Office of the United Nations High Commissioner for Human Rights explained, “[a] child rights-based approach requires States to take urgent action to mitigate climate change by limiting emissions of GHGs in order to prevent, to the greatest extent possible their negative human rights impacts on children and future generations.”⁴²¹
- 129 An intergenerational climate justice approach—based on the pillars of intergenerational equity and CBDR-RC and informed by the principles of intra-generational equity, precaution, and sustainable development—further reinforces that fairness between and across generations and among State actors requires a risk-averse, forward-looking, and proactive approach. According to the best available science, immediate and ambitious mitigation policies are required to ensure that global warming is limited to the 1.5 °C guardrail with limited overshoot. Therefore, delay and failure to take these required mitigation measures constitute intergenerational discrimination and a breach of States’ human rights obligations under the African Charter.
- 130 In conclusion, an intergenerational climate justice approach to State obligations under the African Charter require mitigation measures consistent with ensuring that global warming is limited to the 1.5 °C guardrail with limited overshoot in the form of: (i) an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization, as well as (ii) emergency measures that slow the rate of warming in the near-term—i.e., fast mitigation—in the form of cutting the SLCPs methane, HFCs, tropospheric ozone, and black carbon, and the longer-lived N₂O, as well as preserving natural carbon sinks. The measures are outlined *infra*.

D. Effective Mitigation Measures States Must Implement under an Intergenerational Climate Justice Approach to Human Rights Obligations.

- 131 States must implement immediate mitigation measures to cut super climate pollutants—which is the only way to have a chance to deliver intergenerational climate justice—by:
- 131.1 Adopting immediate, ambitious, and science-based measures to cut emissions of super climate pollutants, including the SLCPs methane, tropospheric ozone, black carbon, and HFCs, as well as the longer-lived N₂O,

- 131.2 Supporting efforts for an international binding methane agreement to reduce methane emissions by 32% below 2020 levels by 2030, starting with reducing methane leaks and banning routine flaring and venting to avoid wasting fossil gas,
- 131.3 Targeting black carbon and tropospheric ozone in air pollution regulation, *and*
- 131.4 Adopting and/or updating national cooling action plans to reduce HFCs and avoiding dumping of inefficient and leaking cooling technologies in developing countries.
- 132 States must implement immediate mitigation measures to reduce CO₂ emissions by:
 - 132.1 Committing to net zero CO₂ emissions by 2050 or sooner by phasing out fossil fuels, with ambitious interim targets,
 - 132.2 Transitioning to renewable and clean energies, including focusing public investment in low-emissions technologies and infrastructure and eliminating fossil fuel subsidies,
 - 132.3 Halting high-emission infrastructure projects that threaten massive GHG emissions and community displacement, such as the East African Crude Oil Pipeline (EACOP), *and*
 - 132.4 Issuing an immediate moratorium on all new fossil fuel projects, including exploration, extraction, and infrastructure expansion, within a CBDR-RC pathway.
- 133 States must implement immediate mitigation measures to protect natural carbon sinks by:
 - 133.1 Issuing an immediate moratorium on projects that lead to deforestation and degradation of critical African sinks, such as the Congo Basin rainforests,
 - 133.2 Adopting measures that enhance land-based natural carbon sinks, restore blue carbon ecosystems, and prevent biodiversity loss,
 - 133.3 Prohibiting bioenergy and the categorisation of BECCS as renewable, *and*
 - 133.4 Recognising and respecting Indigenous and local land rights and incorporating Indigenous and local land management strategies.
- 134 States must reform existing legislation and policies and adopt new legislation and policies that advance a comprehensive mitigation goal to keep warming to 1.5 °C with limited overshoot by:
 - 134.1 Preparing, communicating, and maintaining successive and progressively more ambitious NDCs, and effectively implementing those NDCs,

- 134.2 Establishing comprehensive monitoring and accounting mechanisms to measure, report, and verify GHG emissions and the preservation of natural carbon sinks,
- 134.3 Mandating environmental impact assessments (EIAs) that incorporate climate-specific and intergenerational considerations and adhere to the enhanced due diligence standards as elaborated by the Inter-American Court,
- 134.4 Prohibiting corporate greenwashing and misinformation campaigns,
- 134.5 Holding Carbon Majors with activities in the State legally and financially liable for historical and ongoing climate harm through polluter pays mechanisms, *and*
- 134.6 Enacting legislation requiring businesses to conduct human rights and environmental due diligence across their entire value chain.

III. STATES' HUMAN RIGHTS OBLIGATIONS TO ENSURE ACCESS TO JUSTICE AND THEREBY PROTECT AFRICAN CHILDREN, YOUTH, AND FUTURE GENERATIONS IN THE FACE OF THE CLIMATE CHANGE CRISIS

A. African Children, Youth, and Future Generations Lack Access to Justice in the Climate Change Crisis.

- 135 For children, youth, and future generations—and especially those who call Africa home—access to justice^{vii} is constrained due to their systematic exclusion from the institutional processes defining the environmental, social, and economic conditions of their lifetimes; this exclusion creates an accountability crisis that offloads a massive ecological debt onto these vulnerable groups. As the Special Rapporteur on human rights and the environment aptly explained: “The cumulative effects of long-term environmental harm, such as climate change and the loss of biodiversity, increase over time, so that decisions taken today will affect children much more than adults.”⁴²²
- 136 Further, children, youth, and future generations are disproportionately harmed by the consequences of climate change⁴²³—even though they are among “those who have contributed the least to greenhouse gas emissions”⁴²⁴—making their historical exclusion from environmental decision-making processes all the more egregious. Further exacerbating their lack of access to justice, legal and political processes don’t meaningfully enable representation of non-existing future generations, making this group often invisible in daily political practices and courtroom proceedings. This systemic invisibility provides no mechanism for future stakeholders to consent

^{vii} Note: Human rights instruments generally define access to justice as one’s ability to secure a just and timely remedy for violation of rights; the *amicis* interpret a broad reading of access to justice, which not only encompasses access to justice in the legal context, but the political context as well.

to or resist today's inadequate decisions, which directly affects the full and effective enjoyment of their human rights.

- 137 African legal systems present a complex intersection of barriers that further hinder access to justice in the courtroom—particularly exacerbated in the climate change context. Frequently cited challenges in the legal system that children, youth and future generations' face include: (i) prohibitive financial costs that render justice a “privilege of the rich,”⁴²⁵ (ii) inadequate information about legal processes and procedures,⁴²⁶ (iii) institutional corruption that blocks legal redress and erodes public trust,⁴²⁷ (iv) educational and language-based barriers,⁴²⁸ and (v) restrictive legal requirements for standing (*locus standi*) and burden of proof.⁴²⁹
- 138 In the political realm, African children, youth, and future generations' access to justice is constrained by their lack of voting rights, often due to age restrictions, and lack of representation in formal forums, where their participation is limited or non-existent. The Global Youth Participation Index confirms this reality across four dimensions: socio-economic, civic space, political affairs, and elections. On these dimensions, Sub-Saharan countries scored approximately 15% below the global mean, with none featuring in the global top thirty.⁴³⁰
- 139 The *Amici* contend that certain human rights are essential to securing African children, youth and future generations' access to justice in the climate change crisis, with the most pertinent rights described below.

B. The Human Rights of African Children, Youth, and Future Generations Most Pertinent to Ensuring Their Access to Justice in the Climate Change Crisis.

i. Right to the best available science and knowledge.

- 140 Upholding the right to the best available science—formally recognised as the right to enjoy the benefits of scientific progress and its applications—is essential for securing access to justice for African children, youth, and future generations in the legal system. By guaranteeing access to reliable scientific evidence on the climate change crisis, this right enables these vulnerable groups to pursue climate protection through the courts, overcoming educational barriers that may have previously constrained their participation; equipped with robust scientific data reflecting their disproportionate present and future burdens, children, youth, and future generations are better prepared to substantiate their claims and hold the responsible parties accountable.
- 141 The right to science is an integral component of the African human rights system. While the African Charter does not explicitly recognize this right, it does provide a solid foundation for the right through Article 17, which states: “Every individual shall have the right to education [and]

may freely take part in the cultural life of his community . . .”⁴³¹ By guaranteeing these rights, the Charter implicitly protects scientific endeavour, as modern human rights jurisprudence widely considers science to be a core element of culture. Lending further support for the basis of the right to science within the African human rights system, the African Commission, in its 2011 Principles and Guidelines on Economic, Social, and Cultural Rights, emphasizes the importance of science, stating, “[e]ducation and training must be targeted at development based on African realities, and particularly towards the development of science and technology.”⁴³²

- 142 Moreover, the three recent climate Advisory Opinions, relying on the best available science, establish an unequivocal consensus of the importance of this right. All three bodies characterise the best available science and knowledge as not merely a reference point for policy, but a mandatory legal standard that defines the scope of State obligations and, in the case of the Inter-American Court, as an autonomous human right.
- 143 For, drawing on several American human rights instruments,⁴³³ the Inter-American Court provides helpful guidance on the content and scope of the right to best available science, finding that all individuals possess both substantive and procedural rights to access the benefits of measures based on the best available science and on the recognition of local, traditional, and Indigenous knowledge.⁴³⁴ The Inter-American Court further defines best available science as science that is up to date, peer-reviewed, transparent as to its uncertainties and assumptions, verifiable, reproducible, and accurate.⁴³⁵ The Court also confirms that reports of the IPCC currently constitute the best available science on climate change.⁴³⁶ In elaborating the procedural dimensions of the right to science, the Inter-American Court establishes that States must provide access to information and prevent disinformation. They are further required to create opportunities for participation and ensure non-discriminatory access to the benefits of science.⁴³⁷
- 144 In the political context, access to the best available science enables children, youth, and future generations to participate meaningfully in environmental decision-making forums—albeit when they are actually included in these policy discussions—as they can engage as informed advocates, rather than serving as merely symbolic participants, and through the use of informed arguments based on the best available science as to the disproportionate impact of climate change on children, youth and future generations, these groups can thereby persuade decision-makers and advance meaningful policy change which protects their interests.

ii. Right of access to information.

- 145 In the context of ensuring children, youth, and future generations’ access to justice in the climate change crisis, Article 9 of the African Charter—which establishes Africans’ rights to seek and

receive adequate information on the climate and environment—is of utmost importance.⁴³⁸ This information can subsequently be used by children, youth, and future generations, for example, as evidence in legal proceedings where violations of their fundamental human rights are alleged, helping these groups to ensure legal accountability for climate harms and secure justice in the climate change crisis. This information can also be used in environmental decision-making forums to help persuade meaningful policy change that recognises the disproportionate impact of climate change on children, youth, and future generations, and reflects the differentiated protection these groups require.

146 The right of access to information is protected across multiple instruments of the African human rights system, including in Article 19 of the African Charter on Democracy, Elections and Governance, Articles 9 and 12(4) of the African Union Convention on Preventing and Combatting Corruption; Articles 10(3d) and 11(2i) of the African Youth Charter; Article 6 of the African Charter on Values and Principles of Public Service; and Article 3 of the African Charter on Statistics, as well as Article 19 of the International Covenant on Civil and Political Rights—an international instrument to which many States of the African Union are a party.⁴³⁹

147 This Court has articulated the scope of the right of access to information under Article 9 in *Ligue Ivoirienne des Droits de l'Homme (LIDHO) and others v. Republic of Côte d'Ivoire*. There, the Court confirmed that the right “presupposes a guarantee that everyone has the right of access to any information in the public domain,” and this right further encompasses the “prerogative of its holder to access any information relating to any matter or procedure concerning him or her.”⁴⁴⁰ In the context of environmental harm, this Court found that States breach their obligations when they fail “to provide the general public with meaningful information on the long-term consequences” of pollution and the “exact composition” of the pollution.⁴⁴¹ This holding is crucial to African children, youth, and future generations in securing access to justice in the climate change crisis, where the causes, trajectories, and consequences of climate change are often complex, potentially uncertain, and unevenly communicated. Through the *LIDHO* holding, this Court mandated that scientifically based information be made accessible and transparent, a directive which is essential for matters of youth public awareness, youth informed participation in climate decision-making, and for children, youth, and future generations in ensuring legal accountability for breaches of their human rights. In the matter of *XYZ v. Republic of Benin*, this Court further clarified the scope of the right of access to information by expounding on the duty of States to disclose information to the public and affirmed that “every citizen in a democratic country has the right to access information held by the State,” a right “necessary to ensure the respect for the principle of transparent government, which requires that the public has access to information to engage productive public debate on the conduct of government business.”⁴⁴² This

clarification of the scope of the right of access to information is vital in the climate change context: it ensures that children, youth and future generations can not only obtain the scientific and environmental, and policy-related information held by the State that is necessary to understand the risks they face, but also they can use this information as evidence in legal proceedings to demonstrate States' knowledge of, and intent underlying, the inadequacy of their climate policies, thereby holding the States accountable for breaches of their obligations.

148 Honourable Justice Sir Dennis Dominic Adjei recognised the importance of the right of access to information, warning that “public institutions fail to observe the culture of accountability and transparency” when they “decide on the types of information to disclose and those not to be disclosed, to render the citizenry impotent to hold them accountable.”⁴⁴³ Justice Adjei also helpfully articulated the content and scope of this right in the environmental context, indicating this right requires individuals “to be given access to information such as visual, electronic, written, aural, or any other materials in respect of the elements or state of the environment, including landscape, air, water, land and atmosphere, and factors such as radiation, noise, energy and substances, and the measures adopted to regulate and make them human-friendly to safeguard their existence . . .”⁴⁴⁴

149 Similar to Honourable Justice Adjei, the Inter-American Court, in its climate advisory opinion, also recognised the significance of the right of access to information in the climate change context, emphasising that the right of access to information empowers public participation in climate decision-making and guarantees transparency and accountability in State conduct. In the context of the climate change crisis, this means that access to climate information is fundamental to the protection and fulfilment of other rights, including the rights to life, integrity, health, the environment, and a healthy climate.⁴⁴⁵ Further, the Inter-American Court's advisory opinion offers valuable guidance on interpreting States' obligations under the right of access to information in the climate change crisis. The Inter-American Court clarified the content and scope of this right, identifying that States' obligations under it are three-fold:

149.1 States must *produce* climate information. States are required to generate “complete, accurate, truthful, useful, and timely information to identify and mitigate threats to human rights arising both from the adverse impacts of climate change and from the measures adopted to address them.”⁴⁴⁶ While relevant State bodies must ensure the quality, veracity, independence, and impartiality of climate information, the production of climate information must integrate local, traditional, and Indigenous knowledge and involve participation of communities, academic institutions, and local organisations through an intersectional approach.⁴⁴⁷ To enable public participation in climate action, States must produce information “concerning the causes and effects of climate change, the measures

implemented by the State to mitigate its emissions and adapt to its impacts, environmental impact studies including climate impact assessments, as well as the mechanisms in place for accessing information, public participation, and climate related justice.”⁴⁴⁸ As part of their duty to regulate corporate conduct, States must also ensure companies disclose accurate, accessible climate-related information, including climate footprints of companies’ products and services, as well as information relating to sustainability practices, environmental compliance, renewable energy investments, and efforts to prevent human rights abuses.⁴⁴⁹

149.2 States must also *disclose* climate information. States are required to supply affordable, effective, and timely information on the causes, consequences, and responses to climate change, all of which are a matter of public interest and subject to the principle of maximum disclosure.⁴⁵⁰ This obligation encompasses both reactive and proactive dimensions: States must respond promptly to information requests and issue real-time alerts on climate-related threats such as heat waves and floods, while also disseminating information proactively through a broad range of mechanisms, including early warning systems, public databases, online portals, audiovisual material, social media, and public awareness and education campaigns.⁴⁵¹ Information must be conveyed in clear, accessible formats and formats tailored to the needs of all segments of society, including children, to guarantee their free, prior, and informed consent where required.⁴⁵²

149.3 Finally, States must *combat* disinformation. States are required not only to refrain from disseminating information lacking support of the best available science or relevant local, traditional, Indigenous knowledge, but also to prevent disinformation by adopting progressive measures while respecting freedom of expression.⁴⁵³

iii. Right of participation.

150 The right of participation (or the right to participate) is a cornerstone of the African human rights framework and integral to ensuring children, youth, and future generations’ access to justice in the climate change crisis, where these groups have been historically left out of climate decision-making processes. The primary legal basis for this right is Article 13 of the African Charter, which guarantees that every citizen has the right to participate freely in the government of their country, either directly or through freely chosen representatives.⁴⁵⁴ Crucially, the Charter extends this beyond the ballot box: Article 13(2) ensures equal access to public service,⁴⁵⁵ and Article 13(3) guarantees equal access to public property and services.⁴⁵⁶

- 151 This right is also protected in multiple instruments of the African human rights system, including Article 9 of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol), where it notably links participation to broader rights; for instance, Article 19, which recognizes the right to sustainable development, emphasizes that women must participate “at all levels in the conceptualization, decision-making, implementation, and evaluation of development policies and programs.”⁴⁵⁷ This shifts the focus from mere representation to substantive influence over the socio-economic roadmap of their nations. Indeed, the same article mandates that States shall “promote women’s access to and control over productive resources such as land and guarantee their right to property.”⁴⁵⁸
- 152 Further, the right of children to participate is recognized by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in its Guidelines on Child Participation (2022), where it “recognises child participation as both a general principle of children’s rights and a right,”⁴⁵⁹ that “must be observed and respected at all times during all decision-making processes on any matter concerning children.”⁴⁶⁰ ACERWC acknowledges that the right to child participation derives from Articles 4(2) and 7 of the ACRWC.⁴⁶¹ Still, while Articles 4 (on the best interests of the child) and 7 (on freedom of expression) provide the legal structure, ACERWC has consistently emphasised that child participation is a standalone requirement for any action taken by authorities.⁴⁶² Finally, the right of children to participate is further bolstered by General Comment No. 9 (2025), which requires states to ensure that children have the tools, such as digital literacy and scientific education, to participate effectively in modern society.⁴⁶³
- 153 The jurisprudence of this Court and the African Commission is informative in clarifying the content and scope of the right to participate. In the landmark *Endorois Case (Minority Rights Group International obo Endorois Welfare Council v. Kenya)*, the Commission ruled that simply informing a community of a decision, such as an eviction, does not constitute participation; rather, the State must engage in a genuine consultation process that allows the community to influence the outcome,⁴⁶⁴ and in this particular case, a process “to obtain their free, prior, and informed consent, according to their customs and traditions.”⁴⁶⁵ Furthermore, this Court has linked the right to participate with the right to self-determination. In recent rulings, such as *Bernard Anbataayela Mornah v. Republic of Benin et al.*, the Court affirmed that the right to participate in the management of public affairs is a justiciable right that can be invoked by individuals and groups.⁴⁶⁶
- 154 The Inter-American Court, ICJ, and ITLOS provide helpful interpretative guidance on the content and scope of the right to participate in the climate change context within their respective climate advisory opinions. All three bodies recognised the right to participate as a vital procedural mechanism that ensures the legitimacy, effectiveness, and equity of climate actions.

While the ICJ and ITLOS largely situated this right within the frameworks of international cooperation,⁴⁶⁷ the Inter-American Court defined it as an autonomous human right and a fundamental pillar of environmental democracy.⁴⁶⁸ All three bodies agreed that participation is not merely a formality but a mandatory legal standard that requires States to involve the public in the design and implementation of climate policies.

154.1 Citing the UNFCCC and the Paris Agreement, the ICJ noted that States have a legally binding duty to cooperate in facilitating public participation in addressing climate change and its effects.⁴⁶⁹ The ICJ further established that climate cooperation must be performed in good faith, which includes enhancing public participation to develop adequate responses to climate-related threats.⁴⁷⁰

154.2 ITLOS integrated participation through the specific duty of States to consult with one another in good faith when adopting measures necessary to coordinate the conservation of shared stocks or to protect the marine environment from the effects of climate change.⁴⁷¹ This characterisation situates participation as a component of the due diligence obligation for States to work together toward an effective international response.

154.3 The Inter-American Court went the furthest in developing the right to participate. Relying on the American Convention and the Escazú Agreement, the Court ruled that States are bound by an enhanced due diligence obligation to ensure that all persons can participate in decision-making and policymaking that affects the climate system.⁴⁷² This right is not limited to project-level consultations but extends to the formulation of mitigation targets, national adaptation plans, and climate financing strategies.⁴⁷³ The Inter-American Court emphasised that participation must be meaningful, equitable, and transparent.⁴⁷⁴

154.4 A significant contribution of the Inter-American Court was its emphasis on differentiated participation for vulnerable groups, particularly children, environmental defenders, Indigenous Peoples, and Afro-descendant communities.⁴⁷⁵ The Court stressed that States must establish age-appropriate, safe, and accessible mechanisms for children to be heard, as they face an increasingly adverse climate future.⁴⁷⁶ The Court clarified that the results of these participatory processes must be central factors in governmental decision-making, and authorities are legally required to explain how public input was taken into account or provide objective reasons for diverging from it.⁴⁷⁷ Further, the Court noted the special duty to protect environmental defenders—which includes young climate activists—obligating States to implement proactive safeguards against intimidation, harassment, and criminalization of their work, including the misuse of strategic lawsuits against public participation (SLAPP suits).⁴⁷⁸

iv. Right to effective judicial remedies.

- 155 The right to an effective judicial remedy is fundamental to ensuring access to justice for children, youth, and future generations in the legal context because it transforms abstract rights into enforceable protections holding duty-bearers accountable for violations, while restoring the injured party as completely as possible. In *African Commission on Human and Peoples' Rights v. Republic of Kenya*, this Court underscored the importance of the right to effective judicial remedies, concluding that “the right to reparations for the breach of human rights obligations is a fundamental principle of international law,”⁴⁷⁹ In the context of the climate change crisis, this right is particularly critical, given the pervasive and multidimensional impacts of climate harm on African children, youth, and future generations (see **Section II.A.ii. supra**).
- 156 The basis for the right to an effective judicial remedy can be found in Article 21(2) of the African Charter, which states that “[i]n case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as compensation.”⁴⁸⁰ Article 21(1) of the Charter also establishes a foundation for the right to an effective judicial remedy, where Article 21(1) recognises the right for people to be able to “freely dispose of their wealth and natural resources . . . In no case shall a people be deprived of it.”⁴⁸¹ Finally, Article 7(1)(a) of the African Charter establishes the right of every individual to be heard, Article 7(1)(d) guarantees the right of an individual to be tried within a reasonable time by an impartial court or tribunal,⁴⁸² and Article 26, ensures judicial independence⁴⁸³—all essential elements for the realization of the right to an effective judicial remedy. Indeed, this Court clarified that the derivation of the right to an effective remedy “arises from a joint reading of the provisions in Article 1 and 7(1)(a) of the Charter.”⁴⁸⁴
- 157 As established by this Court, a truly effective remedy is not merely a formality; it requires real access to a court, a broad scope of recognised rights, and the judicial competence of the enforcing body.⁴⁸⁵ As discussed, despite these protections, access to justice in many domestic systems—including those systems in Africa—is hindered by a complex intersection of barriers, including high financial costs, institutional inefficiency or corruption, linguistic obstacles, and restrictive legal requirements regarding standing and the burden of proof.⁴⁸⁶ Without the timely enforcement of judicial outcomes, individuals are left in a state of “legal limbo” where their rights remain unvindicated.⁴⁸⁷
- 158 The case of *LIDHO* is informative as to the content of the right to effective judicial remedies; there, this Court recognised that “the right to a remedy includes not only access to institutional remedies, but also restitution, compensation, non-repetition, and rehabilitation.”⁴⁸⁸ Additionally, in *African Commission on Human and Peoples' Rights v. Republic of Kenya*, this Court clarified that “both material and moral damages have to be repaired.”⁴⁸⁹ This finding is especially crucial,

as climate change-induced moral or intrapersonal damages have the risk of becoming long-lasting in youth. Finally, the African Commission defined three major criteria for remedies: it “is considered available if the petitioner can pursue it without impediment, it is deemed effective if it offers a prospect of success, and it is found sufficient if it is capable of redressing the complaint.”⁴⁹⁰ According to the Commission, all three aspects must be present for there to be an effective judicial remedy.

159 International court jurisprudence provides helpful authoritative guidance on the content and scope of the right to effective judicial remedies in the climate change context, where this right was discussed in all three climate advisory opinions.

159.1 The ICJ, for its part, recognises the right to effective remedies in its reference to the United Nations’ *Responsibility of States for Internationally Wrongful Acts*, which obliges the responsible State to provide full reparation for the damage it causes.⁴⁹¹ Full reparation, according to the ICJ, can take the form of restitution, satisfaction, and/or compensation, depending on the nature of the damage.⁴⁹² Regarding restitution, the ICJ acknowledges the difficulty of restoring a situation to its state prior to the environmental harm, but notes that “restitution may take the form of reconstructing damaged or destroyed infrastructure, and restoring ecosystems and biodiversity.”⁴⁹³ As for compensation, the ICJ confirms that it is an obligation of responsible States⁴⁹⁴ to provide compensation, and asserts that environmental damage is compensable under international law—including both the damage caused to the environment, and the expenses incurred by the injured States following such damage. Given the inherent difficulty in quantifying the full extent of harm caused by climate change, the ICJ also clarified that “the absence of adequate evidence as to the extent of material damage will not, in all situations, preclude an award of compensation for that damage.”⁴⁹⁵ Instead, compensation may be determined based on equitable considerations.⁴⁹⁶

159.2 The Inter-American Court similarly addressed the right to effective judicial remedies and found that for reparation to be achieved, full restitution, including restoration, compensation, rehabilitation, satisfaction, and guarantees of non-repetition must be provided.⁴⁹⁷ Further, the Court clarified that measures of reparation must “be adapted to the nature of the harm and consider the particular circumstances of its effects on individuals and on Nature,”⁴⁹⁸ and shall focus on the adaptation and resilience capabilities of the affected peoples and ecosystems for a sustainable recovery.⁴⁹⁹

159.3 Finally, ITLOS addresses remedy measures through compensation, as well as mitigation and adaptation strategies. It highlights the obligation of States to “ensure that recourse is

available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.”⁵⁰⁰

C. An Intergenerational Climate Justice Approach to States’ Obligations Must Be Taken to Ensure Access to Justice for African Children, Youth, and Future Generations.

160 Children, youth, and future generations—particularly in Africa—will bear the brunt of the climate crisis in the decades to come, impacting their livelihoods, security, and health. Young people are often excluded from decision-making processes that impact them and their future, overlooking their capacity for leadership and innovation. However, while historically excluded from policy and decision-making spaces, children and youth have been some of the strongest voices advocating for urgent action to address the climate emergency. Moreover, children, youth and future generations often face a host of barriers to their securing justice in the courtroom and, as a result, obtaining effective remedies for violations of their human rights despite being among the groups most impacted by climate change. This systemic exclusion leaves them without meaningful access to justice and prevents protection of their rights in the face of the climate crisis.

161 *Timely* access to justice—which facilitates the realisation of effective judicial remedies— is especially critical in the climate change crisis, because delays to halt the rate of global warming are certain to cause irreversible harm to human rights as every fraction of a degree matters. The unique nature of climate harm necessitates a specialised interpretation of legal concepts such as “urgency” and “reasonable time,” grounded in the scientific certainty that failure to act quickly leads to greater long-term massive violations. Furthermore, States have an obligation to ensure individuals can access interim relief to prevent the exacerbation of climate harm while judicial processes are ongoing. Ultimately, to comply with their obligations, States must implement administrative and judicial measures that facilitate both interim and final relief without delay for those seeking to protect rights impacted by the climate crisis.

162 The Inter-American Court, in its climate advisory opinion, provides helpful interpretative guidance, describing the measures necessary for children and youth to achieve access to justice in the climate change crisis. The Court recognised the value of differentiated protection for children and youth, which is grounded in the principles of equality and non-discrimination, and held that States are required to implement the following measures:

“(i) facilitate pathways to justice for children by developing child-friendly and effective judicial, quasi-judicial and/or non-judicial complaint mechanisms; (ii) identify and eliminate legislative or operational barriers that prevent children from filing complaints or initiating proceedings before public authorities by themselves; (iii) adopt the necessary

measures to guarantee that children can have recourse to effective judicial remedies for the protection of their human rights; (iv) reinforce special mechanisms to protect the rights of the child, such as ombudspersons, and ensure that they are independent and have the necessary competence and human, technical and financial resources to exercise their mandate effectively, including the authority to initiate proceedings in defense of children's rights; (v) establish mechanisms for children to have access to free and effective legal aid, in keeping with the State's possibilities, to file actions aimed at safeguarding their human rights in the face of environmental or climate-related harm, and (vi) eliminate adverse cost orders in actions filed by children."⁵⁰¹ (internal citations omitted)

163 In addition to establishing differentiated protections for children and youth, the *Amici* contend that States must adopt an intergenerational climate justice approach—which is grounded in reparatory justice, committed to transformative justice, and attentive to the legacies of injustice and colonialism in Africa exacerbated under the climate change crisis—in order to fulfill their human rights obligations under the African Charter to ensure access to justice in the climate change crisis for not only African children and youth, but future generations of Africans as well.

i. Recognition of the legacies of injustice and colonialism in Africa is necessary in an intergenerational climate justice approach to access to justice for African children, youth, and future generations.

164 An intergenerational climate justice approach to States' obligations under the African Charter and other relevant instruments in ensuring access to justice for African children, youth, and future generations in the climate change crisis necessitates recognition of the legacies of injustice and colonialism in Africa, which are exacerbated under the climate change crisis. Colonial and apartheid legacies and historical violence inflicted on the African people and their land continue to drive climate, economic, and social vulnerability across Africa. These injustices are rooted in colonial governance structures designed to extract wealth from Africans by exporting their commodities, such as minerals, timber, and rubber, while forcing their participation in this extractive economy.⁵⁰²

165 Today, modern forms of “green colonialism” risk replicating historical patterns of exploitation through continued resource extraction and the promotion of false solutions. For instance, demand for minerals essential to the energy transition, such as lithium and cobalt, is fuelling a global extraction race. Sub-Saharan Africa contains approximately 30% of transition mineral reserves.⁵⁰³ However, African nations rich in these resources do not capture their benefits; for example, in the Democratic Republic of Congo, which produces nearly 75% of the world's cobalt for electric vehicles, foreign investors retain 86% of the supply chain revenue.⁵⁰⁴ Furthermore, lithium and cobalt mining are highly dangerous and exploitative, especially for children and youth, as these mining practices often lead to child labour, forced labour, and other human rights violations.⁵⁰⁵

- 166 Greenwashing practices further promote false solutions in Africa, such as unregulated carbon markets and large-scale biofuels that prioritise Global North consumption over local survival. This “carbon colonialism”—where land in the Global South is appropriated for carbon offset projects—allows Global North polluters to purchase “pollution permits” while displacing Indigenous peoples and local communities.⁵⁰⁶ In Senegal, a foreign-led afforestation project displaced over 10,000 people from ancestral lands they had used for generations for food and pasture, and had fatal consequences for African youth, where three children drowned in the project’s irrigation canals.⁵⁰⁷ Furthermore, many of these carbon markets have been exposed as fraudulent or ineffective, characterised by exaggerated claims and widespread over-crediting. A 2023 investigation by the Guardian found that over 90% of rainforest offset credits by Verra—the world’s leading carbon credit standard—are likely to be “phantom credits” that do not represent real emissions reductions.⁵⁰⁸ Other research estimates that less than 16% of carbon credits issued result in actual mitigation reductions.⁵⁰⁹
- 167 Colonial legacies also shape the design and implementation of climate responses. Therefore, African climate interventions frequently follow top-down approaches in which decisions are made without meaningful participation from affected communities and groups, including African children and youth.⁵¹⁰ Projects are imposed on communities rather than developed with them, undermining local knowledge and self-determination.
- 168 Finally, Africa contributes only a small share of global emissions,⁵¹¹ yet its people—and its children, youth, and future generations in particular—suffer some of the worst impacts of the climate change crisis. Intergenerational climate justice for children, youth, and future generations therefore requires proactive measures to address and redress the enduring harms of colonialism so that historical patterns of injustice do not keep repeating themselves for future generations. A truly just transition must not only reduce emissions, but also repair historical injustices, redistribute opportunities, and ensure that African children, youth, and marginalised communities play a central role in shaping a liveable and equitable future.

ii. Grounding in reparatory justice is necessary in an intergenerational climate justice approach to access to justice for African children, youth, and future generations.

- 169 In addition to recognising the enduring legacies of colonialism and apartheid, an intergenerational climate justice approach to access to justice for African children, youth and future generations requires a reparatory framework that redresses past harm and pursues a path forward towards climate stabilisation. Reparatory justice refers to a framework that both acknowledges the past while proactively transforming the future to address the debt of harm incurred by colonialism, enslavement, and racial capitalism, which have left certain populations

disproportionately vulnerable to the climate change crisis.⁵¹² As a manifestation of the continuing legacies of colonialism, climate mitigation, adaptation, and resilience efforts must be centred in decolonial thinking and practice.⁵¹³

- 170 The ICJ and Inter-American Court identified measures of climate reparation in their climate advisory opinions: restitution (restoring the ecosystem and climate), rehabilitation (ensuring social support to help affected communities), compensation (providing both pecuniary material losses and non-pecuniary emotional or cultural losses), and guarantees of non-repetition (implementing structural reforms to enhance ecological and social resilience).⁵¹⁴ The Inter-American Court, in particular, has recognised reparations as part of the State obligation of cooperation, as well as the right to an effective domestic remedy.⁵¹⁵
- 171 Reparatory justice is encompassed by the principle of common but differentiated responsibilities and respective capabilities and the polluter pays principle. CBDR-RC provides the normative foundation for sharing burdens, as all States have responsibilities to mitigate climate change, but the responsibilities are different based on each State's historical contribution to climate warming and each State's capacity to act. Because high-emitting, developed States bear the greatest responsibility for the cumulative emissions driving the crisis, they hold a legally binding obligation to lead in providing both reparations and climate finance.
- 172 The world's wealthiest countries are not the only significant contributors to climate change: A landmark 2017 study found that just 100 companies—the “carbon majors”—are responsible for 71% of historical global emissions.⁵¹⁶ Further, within the fossil fuel industry, researchers have unearthed evidence of deliberate climate misinformation, particularly the oil and gas industry's deception campaign and greenwashing tactics. For decades, oil and gas companies have spent billions of dollars to spread doubt and misinformation on the climate crisis—while knowing at least since the 1970s that the planet was warming and that CO₂ was the most significant contributor to warming.⁵¹⁷ Instead of warning the public, these companies hired strategists, scientists, and economists to generate public doubt over climate science, modelled after the tobacco industry's tactics to continue promoting their products after knowing they cause adverse health and environmental effects.⁵¹⁸ Therefore, under a reparatory justice framework, polluting companies, alongside high-emitting developed States, must be held accountable not only for their past, present, and future emissions, but also for their roles in perpetuating climate disinformation and greenwashing practices.
- 173 As a good first start, the African Union designated 2025 as the Year of Reparations, but this theme must only be the beginning of a broader transformative process.⁵¹⁹ For the most marginalized populations, including Indigenous peoples, children, youth, and future generations,

reparatory justice must be transformative and aim to dismantle histories of marginalisation, extractivism, and systemic racism that exacerbate climate risk. As social and economic impacts deepen, an intergenerational climate justice approach to fast action climate solutions becomes the only way to avoid reproducing existing patterns of inequality and environmental injustices for African children, youth, and future generations. For, young Africans are not only disproportionately affected by the long-term and irreversible consequences of climate change, but are also rights-holders whose present and future enjoyment of fundamental human rights is directly at stake in these advisory opinion proceedings. The State obligation to provide children, youth, and future generations access to justice includes recognition of legacies of injustice and promotion of a reparatory justice framework to allow these groups to demand and ensure access to justice, and ultimately achieve intergenerational climate justice.

iii. An intergenerational climate justice approach requires transformative justice.

- 174 Achieving intergenerational climate justice requires a commitment to transformative justice to radically change the way power is distributed and how harm is addressed. Intergenerational climate justice requires an intersectional approach that builds on understandings of decolonisation, anti-racism, feminism, and Indigenous sovereignty and rights, which have been historically advanced by frontline and marginalised grassroots activists. When climate decisions are taken without transparency, participation, accountability, or access to remedies, rights violations are compounded. Procedural exclusion is itself part of climate injustice. Providing children and youth the opportunity to be meaningfully involved in decisions affecting their future, as well as providing mechanisms that can help hold States and polluters accountable for failing to incorporate the needs of children and youth today, is critical to ensure that access to justice is defined within the lens of intergenerational climate justice.

D. Effective Access to Justice Measures States Must Implement under an Intergenerational Climate Justice Approach to Human Rights Obligations.

- 175 In addition to their mitigation obligations under an intergenerational climate justice approach to States' human rights obligations under the African Charter, States must implement procedural measures to ensure access to justice and meaningful youth participation, which entails moving beyond tokenism to institutionalised co-decision-making power.
- 176 States must implement proactive measures that enable access to information and the courts by:
- 176.1 Improving access to the best available science,
- 176.2 Providing free, accessible climate information in local languages and child-friendly formats,

- 176.3 Providing effective judicial remedies to affected communities, including creating child-friendly judicial mechanisms and offering free legal assistance, *and*
- 176.4 Allowing youth activists equal access to justice for climate-related litigation.
- 177 States must institutionalise the meaningful and effective participation of children and youth by:
 - 177.1 Guaranteeing the effective participation of children and youth in the design, implementation, and monitoring of NDCs and National Adaptation Plans (NAPs), as well as in climate-related public affairs and decision-making processes,
 - 177.2 Creating independent specialised mechanisms, such as a Future Generations Ombudsperson,
 - 177.3 Funding capacity-building programs and opportunities that provide children and youth with the skills required to lead in climate issues, *and*
 - 177.4 Protecting climate activists and environmental defenders, which requires States to address the harassment, criminalisation, and endangerment to which young people are especially vulnerable, and hold companies and individuals accountable for such violations.
- 178 States must implement child-responsive measures, consistent with the differentiated protection framework, to protect the rights of children and youth threatened by the climate change crisis by:
 - 178.1 Integrating the best interests of the child as a primary consideration in all climate adaptation and resilience policies,
 - 178.2 Using loss and damage and other climate funding in a child-centred way, that is within the framework of fast mitigation,
 - 178.3 Providing culturally adapted medical and psychosocial support to address climate-induced trauma and eco-anxiety,
 - 178.4 Securing and retrofitting school and health infrastructure against climate hazards,
 - 178.5 Integrating climate curricula into national education systems to enhance climate literacy and empower youth, *and*
 - 178.6 Establishing shock-responsive and gender-adaptive social protection systems to prevent harmful coping strategies like child marriage during climate disasters.
- 179 States must provide transformative reparatory justice and ensure effective judicial remedies by:

- 179.1 Restoring (if possible) ecosystems, communities, and the climate when harm has occurred,
- 179.2 Providing rehabilitative and social support to help affected communities,
- 179.3 Compensating for pecuniary (material losses like lost income and destroyed infrastructure) and non-pecuniary harm (intangible injuries like psychological trauma and loss of cultural heritage), which should not be precluded by a lack of precise scientific certainty, *and*
- 179.4 Adopting guarantees of non-repetition by issuing orders to prevent the recurrence of harm.

IV. CONCLUSION

- 180 The *Amici* contend that intergenerational climate justice means ensuring a healthy, clean, sustainable, and stable planet for current and future generations, while dismantling the historical, political, and structural injustices that continue to exist, and compensating for such harms that shape and exacerbate climate vulnerabilities today. Simultaneously, through current decision-making and judicial processes, it is the guarantee of the same opportunities and rights between and across generations and reparatory justice in the courtroom.
- 181 The *Amici* contend that States' human rights obligations under the African Charter must be framed through an intergenerational climate justice approach, where intergenerational climate justice is a mandatory component of States' human rights duties, such that any failure to incorporate intergenerational climate justice into implementation measures constitutes a violation of these obligations. The *Amici* further contend that a differentiated protection framework tailored to children and youth must be established within this intergenerational climate justice approach.
- 182 Therefore, the *Amici* respectfully request this Court:
 - 182.1 Advise States that their mitigation obligations under the African Charter require mitigation measures consistent with ensuring that global warming is limited to the 1.5 °C guardrail with limited overshoot in the form of: (i) an urgent structural shift in energy, agricultural, and industrial policies towards decarbonization, as well as (ii) emergency measures that slow the rate of warming in the near-term—i.e., fast mitigation—in the form of cutting the SLCPs methane, HFCs, tropospheric ozone, and black carbon, and the longer-lived N₂O, as well as preserving natural carbon sinks; *and*
 - 182.2 Advise States that, in addition to their mitigation obligations, States must implement procedural measures to ensure access to justice and meaningful participation, both in decision-making forums and in securing justice in the courtroom, for children and youth.

APPENDIX I. THE AMICI

A. Center for Human Rights and Environment (CHRE)

- 183 The Center for Human Rights and Environment (CHRE) is a non-profit 501(c)(3) organization established in Argentina in 1999 and in the United States in 2015. CHRE seeks to build a more harmonious relationship between the environment and people. It works to guarantee the human rights of victims of environmental degradation and the non-sustainable management of natural resources, including through the promotion of greater access to justice. CHRE also works to prevent future human rights violations stemming from such environmental problems. To this end, CHRE fosters the creation of inclusive public policy that promotes socially and environmentally sustainable development through community participation, public interest litigation, the strengthening of democratic institutions, and the capacity-building of key actors. CHRE was awarded the prestigious Earth Care Award in 2007 in recognition of its pioneering work strengthening environmental governance, defending vulnerable communities, and advancing climate accountability at the international level. Its Founder and President, Romina Picolotti, received the Sophie Prize in 2006 for her visionary leadership in integrating environmental protection with human rights law, setting new global precedents.
- 184 CHRE's advocacy programs include initiatives to reverse climate change, to contain and reduce the emission of short-lived climate pollutants such as methane, black carbon, and hydrofluorocarbons, to protect glaciers and permafrost environments for their value as natural water storage and basin regulators, to address the impacts of oil and gas extraction and mining operations, and to promote corporate accountability on human rights and environmental issues.
- 185 CHRE brings extensive experience representing victims before the Inter-American Human Rights System and the Organisation for Economic Co-operation and Development (OECD) accountability mechanisms, advancing landmark cases at the intersection of environmental protection and human rights. Its Founder and President, Romina Picolotti, had the honor of representing the victims in the *Pulp Mills* case before the International Court of Justice, one of the most consequential environmental disputes adjudicated between sovereign states, which contributed significantly to the development of international environmental jurisprudence and state accountability standards.
- 186 Finally, CHRE is a long-standing and trusted partner of youth-led organizations and movements working on climate change. Recognizing the indispensable role that youth climate activists play in advancing intergenerational equity, CHRE has consistently collaborated with youth groups to amplify their voices in key legal and policy processes. Most recently, this collaboration culminated in the submission of a joint *amicus curiae* brief before the Inter-American Court of Human Rights.

B. Fast Action on Climate to Ensure Intergenerational Justice (FACE Intergenerational Justice or FACE)

- 187 Fast Action on Climate to Ensure Intergenerational Justice (FACE Intergenerational Justice or FACE) is a youth-created and youth-led initiative hosted by CHRE. FACE focuses on climate and environmental justice as it relates to “fast action” climate mitigation strategies (also referred to as “fast mitigation”), by cutting emissions of super climate pollutants and protecting natural carbon sinks to preserve the planet for future generations. FACE’s work encourages youth-led, inclusive, and intersectional discussions on climate change mitigation, resilience, and adaptation strategies pertinent to the most affected people and areas. FACE also works through its pillars of education, support, and outreach to amplify and strengthen the work of youth climate activists advocating for urgent climate action. FACE’s pillars are built on the foundation of climate and environmental justice, framed by the need to combine the fast mitigation sprint with the longer decarbonization marathon, to best address intra- and inter-generational equity by acting now to mitigate climate change, adapt to unavoidable changes, and build climate resilience.
- 188 A climate and environmental justice-based approach to climate change solutions requires fast-acting measures that consider the immediate needs of youth and historically marginalized communities and address the climate emergency before self-reinforcing feedback loops push the planet past tipping points of no return. The combination of near-term fast mitigation strategies with the acceleration of long-term decarbonization efforts is necessary to prevent global temperatures from exceeding the 1.5°C warming guardrail, or at least minimize overshoot of this fast-approaching threshold. Slowing warming in the near-term reduces the risk of pushing the climate system past multiple “tipping points,” large-scale, potentially catastrophic changes to the climate (and the Earth) outside the reach of human control. Some of these tipping points may be irreversible. Fast mitigation is therefore critical from an intra- and inter-generational equity perspective because it avoids locking in these potentially irreversible damages to the climate, while granting societies much-needed time to adapt and build resilience to the longer-term impacts of warming.⁵²⁰
- 189 CHRE and FACE have a long history of international advocacy. Together, the organizations participated as amici curiae in proceedings before the Inter-American Court of Human Rights in relation to its Advisory Opinion on the Climate Emergency and Human Rights, with nearly 30 youth organizations representing 12 countries, 5 Indigenous communities, and several regional and global coalitions from the Americas formally endorsing their amicus brief. More recently, CHRE submitted key recommendations to the UN Special Rapporteur on Climate Change in response to the Call for Inputs on the Fossil Fuel-Based Economy and Human Rights, and FACE co-authored briefs on the rights of future generations and on the rights of people affected by climate mobility as part of a legal toolkit published by over 20 partner NGOs.

C. African Initiative on Food Security and Environment (AIFE-Uganda)

- 190 African Initiative on Food Security and Environment (AIFE-Uganda) is a youth-led non-profit organization founded in 2016, dedicated to combating climate change and conserving the environment through biodiversity protection, research, community mobilization, education, and sustainable practice evaluation. It prioritizes the rights and livelihoods of natural resource dependent communities, including indigenous communities, while advocating for environmental justice, natural resource governance, and the safety of environmental human rights defenders. AIFE-Uganda actively participates in anti-fossil fuel campaigns, particularly opposing the East African Crude Oil Pipeline (EACOP) and related oil projects due to their threats of land displacement, environmental destruction, biodiversity loss, and massive carbon emissions.

D. Black Girls Rising (BGR)

- 191 Black Girls Rising (BGR) is a Black-led, youth-focused climate justice organization based in South Africa, working with girls and young women from historically marginalized communities to become leaders and advocates for environmental and social justice. Its work centers the lived experiences of children and youth who are already facing the disproportionate impacts of climate change, including water insecurity, food injustice, pollution, and energy poverty. Through leadership development programs, community-based advocacy, and systems-change education, BGR supports young people to meaningfully participate in decisions that affect their futures. BGR has supported two child beneficiaries who were applicants in the Youth v Coal case alongside the Centre for Environmental Rights, and it has worked with the Children's Institute and the Centre for Child Law to submit a local youth amicus brief. BGR's mission is to amplify the voices of children and youth from marginalized communities, ensuring their constitutional rights to dignity, health, and a safe environment are upheld in climate-related decision-making processes.

E. Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL)

- 192 The Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL) is a non-profit non-governmental youth organization under Congolese law. It was founded in 2020 in Goma, in the North Kivu province, in the Democratic Republic of Congo. UCCND ASBL's mission is to contribute to the respect of the rights of local communities and Nature, raise awareness, and encourage action from everyone for sustainable management of natural resources in the Democratic Republic of Congo. It enacts this mission through programs on environmental and climate education, climate and environmental justice, as well as the promotion of clean energies.
- 193 UCCND ASBL's work consists of equipping young people and children to understand, protect, and value the unique biodiversity of Virunga National Park, take action against climate change,

and sustainably use the natural resources of their community. UCCND ASBL conducts community mobilization and advocacy actions to urge the Congolese government to renounce initiatives aimed at the exploration and exploitation of fossil fuels (Oil and Gas) and to respect the country's laws concerning environmental protection, human rights, and its international climate commitments. UCCND ASBL carries out peaceful non-violent demonstrations to demand that major polluting nations respect their climate commitments and compensate for the damages suffered by local communities. UCCND ASBL strengthens the involvement and participation of local communities in decision-making related to the use and management of natural resources on their lands by popularizing tools such as the Free, Prior and Informed Consent Process, the Environmental and Social Impact Assessment, and the national laws in force regarding nature conservation. UCCND ASBL equips young people with the knowledge and skills necessary to understand, analyze, and act against local environmental and climate issues.

F. Earth Co-Existence Initiative (ECI)

- 194 Earth Co-Existence Initiative (ECI) is a dynamic youth-led organization advancing environmental conservation, climate action, environmental and climate justice for harmonious co-existence between humans and nature. Its mission is to bridge the gap between law, policy, science and practice in advocating for youth and community environmental rights, community empowerment, and sustainable natural resources management.

G. Jeunes Volontaires pour l'Environnement Sénégal (JVE Sénégal or JVE Sn)

- 195 Officially founded in Senegal in 2014, Jeunes Volontaires pour l'Environnement Sénégal (JVE Sn) is a non-political organization operating in 12 regions nationwide and part of a vast international network present in 25 countries. Its mission is to cultivate leadership and eco-citizenship among children, young people, and women in order to place them at the heart of ecological transition and community development processes. Through its targeted interventions in climate, energy, environmental justice, and natural resource management, JVE aspires to build a thriving world where sustainable development is driven by inclusive and equitable participation.
- 196 As part of JVE Sn's activities, it has implemented the "Enfant ! Acteurs de Changement" project in partnership with Save the Children in Senegal, which has promoted capacity building for civil society organizations to integrate children's rights into their programming, and capacity building for children's organizations to develop gender-sensitive advocacy and campaigns. To this end, the voices of children affected by inequality and discrimination were listened to and heard by four ministries (Environment, Health, Education, and Youth) following a camp during which the first COP for Children in Senegal was organized in the form of a simulation. This led to the first participation of a representative of Senegalese children in one of the major climate events, COP

29, held in Baku, Azerbaijan, in 2024, to advocate for their rights in the face of the effects of climate change.

- 197 In addition, together with Oxfam Senegal, as part of the African Activists for Climate Justice (AACJ) project, JVE Sn took action to contribute to more effective participation by communities affected by climate change and environmental injustice, particularly young people and women, and a better-informed and stronger civil society that participates in democratizing the debate on climate change and recognizing local groups as providers of solutions. This project also aimed to encourage relevant policies, programs, and institutions at all levels (from national to local) to incorporate local communities' concerns for the protection of their rights, meaningful participation that supports increased resilience and adaptation of climate-affected communities, and a just transition to more sustainable production.
- 198 Finally, the Petites Actions Faisable pour la Promotion des Droit de l'Environnement project enabled JVE Sn to raise awareness among youth actors and organizations about the environmental legal framework applied in Senegal, for better intervention guided by the law in the context of implementing their actions for environmental protection.

H. Juristes pour l'Environnement au Congo (JUREC)

- 199 Juristes pour l'Environnement au Congo (JUREC) is a non-governmental organization under Congolese law created in 2013 and registered with the Ministère de la Justice in 2014 under F.92/22.415 and beneficiary of arrêté ministériel No. 347/CAB/MIN. J&GS/2023 of October 21, 2023, granting it legal personality. In accordance with Law No. 004/2001 of July 20, 2001, on general provisions applicable to non-profit organizations and public utility institutions in the DRC, JUREC received approval from the Ministère de l'Environnement, Développement Durable et Nouvelle Economie du Climat through lettre ministérielle d'avis favorable No. 1329/CAB/MIN/ECN-T/05/12/BNEM/2014 dated June 5, 2014.
- 200 JUREC was created to respond to the challenges of our time, particularly environmental protection, including biodiversity loss and the fight against climate change. To this end, JUREC works to protect and promote the environment and respect for human rights, specifically the rights of local communities and indigenous peoples living near natural resources. It offers them legal and judicial support and defends their rights related to land and resources. As a pioneer organization in the DRC, it has led the process of establishing an independent Complaints and Appeals Management Mechanism around Salonga National Park, with a view to helping reduce conflicts between communities and park managers and establishing environmental justice for all.
- 201 One of JUREC's main focuses is to facilitate access to environmental legal information, particularly through publications. It also works on monitoring activities. JUREC is currently

monitoring the application of environmental law in the DRC and intends to use the *amicus curiae* mechanism to assist judges in their work of administering justice. Advocacy could be carried out in this regard.

- 202 To achieve its objectives, JUREC works constantly in collaboration with government institutions, various technical and financial partners, the private sector, civil society organizations, academic institutions, research centers, and many other national and international actors.

I. Strategic Youth Network for Development (SYND)

- 203 SYND is a youth-oriented NGO that promotes youth inclusion in the governance of the natural resources and environmental (NRE) sector and supports the businesses of young green and sustainability entrepreneurs.
- 204 On youth-led advocacy, SYND has organized 5 capacity-building virtual webinars focusing on leadership development and natural resource governance and 2 campaigns on social media increasing awareness, understanding and amplifying youth voices in natural resource governance. SYND further strengthened the capacity and engagement of over 400 young advocates to contribute meaningfully to environmental governance, energy dialogue, and local policy spaces. It also contributed to Ghana's National Adaptation Plan (NAP) & Nationally Determined Contributions (NDCs) development.
- 205 For SYND's youth-led businesses program, progress includes: 20 startups fully formalized and investor-ready; 5 businesses secured external funding; 2 winners of Ghana Presidential Pitch grants (Cohort 1); 1 MasterCard Foundation award recipient (Cohort 3); 1 winner of United Way Ghana Pitch Challenge (Cohort 2); 3 selected for UNDP Young Africa Innovates program; and approximately 30 indirect jobs were created across participating startups.

J. Youth for Climate Morocco (Y4CM)

- 206 Youth for Climate Morocco (Y4CM), a member of the Coalition Marocaine pour la Justice Climatique (CMJC), is a grassroots movement dedicated to raising awareness among young people in Morocco regarding climate change and environmental issues. Its mission is to encourage young people to act through innovative and sustainable projects that contribute to reducing carbon emissions and promoting sustainable development. Driven by young activists and multidisciplinary professionals with backgrounds in climate, sustainable development, and renewable energy, the organization views young people as central players in building a more sustainable and equitable future. With this in mind, Y4CM conducts awareness and mobilization initiatives, utilizing an approach that combines educational projects, support for local innovation, and constructive partnerships with stakeholders across various sectors. The association's work

is structured around thematic groups, including green entrepreneurship and the circular economy, sustainable cities, adaptation and rural development, and renewable energies, in order to promote concrete solutions adapted to local realities. Finally, Y4CM bases its action on a human rights approach, linking social justice and climate justice as essential frameworks for meeting the challenges of ecological transition and equity in the 21st century.

APPENDIX II. YOUTH STORIES

Daisy Yamo | 16 years old | Kenya



As a young girl from the lakeside of Lake Victoria, I believe that preservation of the lake is a really important thing in society. Since our fathers tried to secure the lake so that it could not be polluted, I think our parents failed to do that because, for now, they allowed people to pollute the lake, which is now affecting us as young people. The lake is a source of living; it's a source of revenue to people since the rate of job opportunities is low. Some of the people depend on the lake for fishing so that they can sell the fish as a source of revenue.

Right now, the lake is very polluted, affecting young people in several ways. The pollution of the lake has decreased the population of fish and marine organisms, because the pollution in the lake leads to the death of these organisms. Because there's a death of organisms, people are not able to fish a sufficient amount to sell, leading to a low amount of money. This affects young people since parents are dependent on them for money, and when the money is not enough, a young person does not have enough to go to school. As a young person, or as a child, you see your parent is suffering, and you have no other option but to drop out of school to help with work so your other siblings can go, sacrificing yourself.

This leads to early teenage pregnancy and embarrassment to the family, causing young people to lose their own dreams—so that other young children can go to school and live their dreams. Due to a lack of employment, young people can also become involved in criminal activities, like thievery, which can lead to mob justice or death. Also, climate change makes the air quality poor; even if our school is not near the lake, we suffer from air pollution because the lake is smelly. This creates a poor environment to study, especially at night when the Coca-Cola and petroleum industries beside the lake pollute it. This is not fair to the people near the lake. I remember my mom used to tell me myths that other parents would tell their children, such as "if you kill a frog, you'll die too." These were advantageous because they encouraged us not to hurt the environment. But now people realize they were myths and no longer believe them, leading to pollution and further environmental degradation. As young people in Kisumu, we depend on the lake for water supply. For example, people also pollute the lake directly or indirectly in the market, such as by not disposing of polythene bags correctly. These bags end up in the lake, suffocating fish and aquatic animals, causing death and eutrophication.



Financially, communities are not okay; some young people who depend on the lake to make baskets from papyrus find that there are no longer enough plants. Some young people are involved in sand mining due to unemployment, trying to find money to help their parents, but this is not good for the environment. Educationally, students are affected by climate change due to pollution and lack of funds from their parents' lake-based livelihoods.

I expect that climate change should not be destructive, but rather something positive that can impact young people financially in the future. I want the future to be a place where young people do not degrade the environment and where everyone, especially girls and boys, can get enough education,

education that is satisfying to them. A safe and good environment gives a young person a good place to study and do their own activities.

My personal message to the African Court is that I just want change. Not everyone is that educated on the environment, and some are ignorant when it comes to the climate; wanting to prove that the climate is not alive, that "mother nature" isn't alive. I want everyone to be educated on climate and how to conserve and prevent pollution. Another message to the African Court: I am requesting that you talk to the industries around the lake that are degrading the environment. Nature has allowed us to take some parts of her, but they are taking too much.

I would like the African Court to continue passing along the message of climate change—especially to young people. I feel our parents failed to pass along this message, and I would like us to empower more young people to keep passing it on because we are the generation right now—the future generations are not here. The Court should encourage young people to interpret climate change effects and learn how to secure the climate. Finally, I would like them to talk to industries about how to minimize pollution and degradation of the environment, and how to use safe energies like solar to reduce the impact on the environment. That's my message to the African Court.

Miriam Chisa | 20 years old | Zambia

My name is Miriam, I am a 20-year-old young woman from the Bauleni compound in Lusaka, Zambia, and I have experienced firsthand the human cost of environmental injustice. When I was 19, I lost a close friend to lung cancer. They were also only 19 years old. The loss was devastating and raised difficult questions for me about how someone so young could develop such a disease.

As I began to investigate and speak with health workers in my community, I learned that the illness was likely linked to indoor air pollution. In Bauleni and many other informal settlements in Lusaka, most households rely on charcoal for cooking. This is largely due to frequent electricity load shedding and the high cost of electricity, which many families cannot afford. Cooking indoors with charcoal exposes families—especially women and young people—to dangerous smoke and pollutants daily.



This reliance on charcoal is not only a public health concern but also contributes to deforestation across Zambia, as forests are cut down to produce charcoal for urban households. For communities like Bauleni, this creates a cycle of environmental and social harm: families rely on charcoal to survive, yet doing so exposes them to serious health risks while degrading the natural environment.

In response to seeing this degradation, I began raising awareness in my community about the dangers of indoor air pollution. I work with young people and local health workers to educate households about the health risks and to advocate for safer and more affordable clean energy alternatives.

Stephen Ahereza | 25 years old | Uganda

A CONTINUOUS DILEMMA I ONCE LIVED AND STILL LIVE.



My name is Ahereza Stephen, I am from Ntungamo District in western Uganda. I grew up in a hilly community where farming was the main activity to earn a living. We grew cash crops on a large scale, such as beans, ground nuts and matooke, and sometimes perennial crops, especially coffee, which was harvested seasonally, sold for money, and helped in paying our school fees and running our day-to-day needs. We lived peacefully in a community where climate change was not an issue. All seasons favored us. Farmers easily predicted rainy seasons that were good for planting crops and dry periods that were perfect for drying them. At that time, most of us had never heard of climate change, but then everything changed...

In 2010, we experienced heavy rains that caused harsh floods, landslides and severe soil erosion, which washed away most of the farmers' gardens—destroying crops, washing away people's homes and roads and ruining many water bodies. We pleaded with the government for help, which did not respond instantly, and when help finally came, each family was given 10kgs of posho and 5kgs of beans regardless of how many were in the family and of need. Worst of it all, some of the poorest households did not get a share of this. This was an unjust and unfair distribution of resources. When the dry season came, droughts became longer and harsher, which resulted in the drying of the already washed away water resources, killing crops and livestock.

This situation resulted in the displacement and relocation of many families, many children dropped out of school since coffee gardens were destroyed, and yet coffee farming was the only income-generating activity. It also resulted in long movements where children moved long distances looking for safe water bodies, and many cases of sexual and gender-based violence were registered. Many families suffered from hunger, weakened bodies and there were high rates of water-borne diseases spreading due to poor hygiene. Little did I know we were victims of climate change long ago and are still living in the same situation—actually, a worsened situation. If climate action is not taken now, I fear the world might come to an end. Climate change has become a global issue, and no one cares. The rise in temperature levels is so extreme that people no longer cover themselves during the night, and food and water insecurities have become our daily bread.

My personal call to the African Court is to recognize climate change as a global enemy and take urgent action on climate justice. I highly recommend the sensitization of communities to climate change—especially local communities—and creation of awareness on the impacts of climate change. Youths, women, and other marginalized voices are always ignored in policy drafting: I call on the African Court to consider these groups favorably during decision-making so that they are not left behind.

I call on the African Court to consider this matter and ensure local farmers and local communities do not continuously suffer from catastrophes they did not cause.

THANK YOU.

Catherine Twongyeirwe | 31 years old | Uganda



My name is Catherine Twongyeirwe, and I have witnessed the impacts of climate change in Uganda, still fondly known as the “Pearl of Africa.” I grew up in a peri-urban area, but I always loved visiting the village. The only time my siblings and I could go was during the Christmas holidays, and we looked forward to that season with great excitement.

During those holidays, our evenings were special. We would gather around my grandmother, listening to her stories—a tradition deeply rooted in many African homes. One story that has stayed with me is about the fertile soils our grandparents once had. My grandmother spoke of a time when the climate was predictable, the rains reliable, and the harvests abundant.

Beyond the crops, there was a seasonal delicacy they cherished: *Nsenene*, or grasshoppers. If you ever visit Uganda and ask for *Nsenene*, you will experience one of the sweetest traditional treats. My grandmother told us that every May and November marked the arrival of these grasshoppers in large numbers. Families would harvest them in abundance. Women would often catch them for their husbands, brothers, and sons—a reflection of the patriarchal systems that sometimes denied them the chance to enjoy such delicacies themselves.

In the past, these grasshoppers came in overwhelming numbers. Today, however, they have become scarce and unpredictable. Their decline is a visible sign of climate change. I cannot help but worry about the future, worry about the generations that may never experience this part of our culture. Changes in weather patterns, including heavy rains and rising temperatures, are affecting the hatching and multiplication of grasshoppers. Prolonged dry spells and the destruction of wetlands are reducing the vegetation they depend on for survival.

What was once certain is now uncertain. What was once abundant is now disappearing. Through these changes, I see clearly that climate change is not just an environmental issue; it is a cultural issue, a livelihood issue, and a story of loss unfolding before our eyes.

Climate change has been a recurring curse in Uganda. Landslides in Bududa District, floods in Kasese, and droughts in Karamoja have caused immense suffering. Many children, women, and young people have lost their lives, washed away by floods, buried by landslides, or starved by hunger. Gardens have been destroyed, leading to food insecurity, loss of income, debt, increased domestic violence, school dropouts, and early pregnancies. The wrath of climate change is all around us.

I am particularly disappointed by our government, which is prioritizing oil and gas development despite scientific warnings against further fossil fuel projects if we are to limit global warming—choosing profit over people. Today, the government and oil companies are developing the 1,443 km East African Crude Oil Pipeline, which is projected to emit over 379 million metric tons of carbon over its 25-year lifespan.

I worry for the future generations who will bear the costs of actions they did not contribute to. Every year, the world gets hotter. I fear for the children, women, and young people who will face emerging diseases, disrupted education, displacement from ancestral homes, and loss of livelihoods.

My appeal to the African Court is clear: order the Global North to pay for the loss and damage caused by climate change, and give a directive to governments to shift away from fossil fuel developments, one of the main contributors to global warming. The future of Africa’s children depends on urgent action.

David Muhindo Kithi | 26 years old | Democratic Republic of the Congo

I was born in Beni, a small riverside town near Virunga National Park in the east of the Democratic Republic of the Congo. My father was a nurse and my mother a farmer. We were a large family of ten people, and despite modest means, we lived with dignity thanks to the work of both of my parents.

During my childhood, my life was paced by school and farm work. Each afternoon, after classes, I accompanied my mother to the fields.

But as I grew up, I noticed the alarming increase in the effects of climate change in my region, proven by science, characterized by disruption of the agricultural seasons, reducing crop yields and jeopardizing food security. The intensification of torrential rains causes floods that destroy houses, hospitals, schools, and the rapid emergence and spread of diseases (malaria and cholera), etc.

Another phenomenon that deeply affected me was seeing the arrival of nomadic Mbororo herders, coming from Central African countries, to settle in the northeast of our country. Fleeing the degradation of their own lands, they came to look for pastures for their cattle. But this climate migration has caused armed violence with local communities, often over land and resources.



What worries me even more today is seeing that despite this reality, our government continues to grant permits to multinational extractive companies whose activities destroy our forests, pollute our rivers, degrade our soils, and directly compromise our livelihoods. At the same time, I see the inaction of some polluting countries to act concretely, despite their responsibility in this crisis.

Although our country, the Democratic Republic of the Congo, is considered a solution-country to the current ecological crisis because of our natural resources (forests, strategic minerals for the energy transition, waterways, etc.), our communities, especially us young people today, are vulnerable to the negative effects of climate change which will increase in scale and number in the years to come if rigorous measures are not put in place today.

It is this alarming reality that pushed me to get involved, since 2020, with the Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL). Through UCCND ASBL, I work with other young people to promote environmental and climate education, the promotion of clean energies, and climate and environmental justice.

That is why I ask the African Court on Human and Peoples' Rights, when issuing its advisory opinion on this amicus curiae brief, to listen to science, and not to think only of today's economic interests but to consider how your present decision will protect my generation and those to come, because it will be us who will suffer the effects of climate change in ten, twenty, or fifty years, not today's decision-makers.

Comfort Tusingwire | 26 years old | Uganda

Since my childhood, I have had a strong motivation and desire to research and find solutions to some of the problems that my community is facing. This desire has been driven by the fact that I grew up in one of the underprivileged communities in Bulisa District in Western Uganda.

The major problem that we face as a community is environmental degradation and climate change, including extreme heat waves, torrential downpours, landslides, and prolonged drought, among others. This has disproportionately affected vulnerable groups, such as women, youth and people with disabilities. When it floods, it's the young people who are affected: the schools submerge and the doors stay locked for months. But the harm goes even deeper. When crops—typically a family's only source of income—are destroyed by a prolonged drought, the first thing to go is school fees. I painfully watched my brother drop out of his final year at university because the coffee trees dried up in the sun. The heat just didn't kill the plants; it killed his chance at a career.



In other villages, the mountains no longer feel like home; they feel like a threat. When the heavy, unpredictable rains come, no longer following the seasons that our grandparents knew, the earth gives way. We have stood by as young people; our friends and peers are buried under mudslides. These are not just disasters; they are results of a warming world.

The aforementioned issues have been worsened by the ongoing construction of the East African Crude Oil Pipeline (EACOP) supported by the government of Uganda and corporations like TotalEnergies. This is a pipeline that is slated to transport oil from the Albertine region to the Port of Tanga in Tanzania while displacing communities from their ancestral lands, destroying the ecologically sensitive biodiversity, including Lake Victoria, Africa's biggest freshwater lake, and exacerbating the climate crisis. Some of us who stand up to speak against these projects due to negative impacts on people, environment, and climate are subjected to threats, intimidations, and brutal arrests coupled with trumped up charges that come with months of detentions by the government and its agencies. These acts not only silence the voices of the youth environmental and human rights defenders but also undermine their rights to personal liberty, freedom of speech and assembly, and the right to a clean and healthy environment.

If stronger climate action is not taken now, climate change could displace as many as twelve million people within Uganda. Since over 75% of the population is under the age of thirty-five, failure to act on climate will worsen youth employment, erode societies and cultures and its associated effects of early marriages, and increase school dropouts and gender-based violence among the young people.

We do not come before this Court as victims alone, but as rights-holders. When our crops fail, our schools flood, and our peers perish, the State's failure to mitigate climate change constitutes a direct breach of the African Charter. We ask this Court to recognize that a stable climate is a foundation upon which all other rights are built. Without it, our right to life, education, health, and a clean and healthy environment are merely words on paper.

Silvia Sanapei | 16 years old | Kenya

My story comes from a rural area, where we have a community called the Maasai community, made up of the Maa culture, where they believe in meat and milk as their food. They are proud of their culture and believe in it to this date.

But the culture has really affected the young girl child through the practice of gender mutilation, which has caused early marriages. Apart from early marriages and early dropouts from school, it has also led to a high rate of death in the community. When girls are at the puberty or adolescent stage, they are required to be circumcised. After being circumcised, the girl is supposed to drop out of school, get married, and have children and a family—which is not necessary for a girl child right now. Everyone needs to be educated, and that is not fair. The community considers girls to be materialistic because they want the girls to be materialistic, to produce more wealth for them.



The situation has also led to desertification since they rely on cattle as their main source of wealth. These cattle have been relying on vegetation more than they are supposed to in certain areas, leading to desertification and soil erosion. Since they have been overfeeding on the vegetation, more desertification occurs, and eventually, the animals die because they lack water. The people of the community suffer from this desertification, from climate change and from the overreliance on food from the milk and the meat, from the cows and the sheep. Desertification has led to death; when the animals they rely on die, people also die because of a lack of food.



Climate change has also affected my people in terms of nutrition. Instead of taking something nutritious, they take things that are not; a disadvantage since it leads to different kinds of diseases. They often do not seek medical attention at the right time because they do not realize the effects of the microorganisms in their bodies. For my community, the rate at which they take climate action is very low. People suffer more than they benefit because it is hard for them to realize they have a problem that's related to the climate. For example, instead of planting trees to create water catchment areas, they don't, which leads to overflowing in the valley regions. The people suffer from flooding, which leads to death of both human beings and animals.

The Maasai practice believe in the Maa culture and practice their culture for the sake of the wilderness. This belief in the Maasai culture leads to high rates of school dropouts, early marriages, and deaths, especially of the young girl child, caused by over-bleeding and diseases caused by STIs.

My message to the African Court is to help the communities that have not been getting support. They need support to cover their climate problems and organize measures to take climate action, including how to take climate action. The goal is to have a sustainable community that does not over-rely on something else but relies on itself with enough resources to cope with problems. I would also like to request the African Committee, the courts of Kenya, and the Parliament to consider the rural areas. People there who are not educated need advice and education on the impacts of climate change, inspiring action, and how to cope with it in their communities.

Brian Atuheire | 36 years old | Uganda

As a young person growing up in Uganda, climate change isn't some distant future threat; it's already reshaping my daily life, my health, and my hopes for tomorrow.

In my community, we are already facing the harsh realities of a warming world. Prolonged droughts have become more frequent, drying up water sources and ruining crops that families depend on for food. This has led to hunger and malnutrition—especially among children and young people—violating our right to health and adequate nutrition. Extreme heatwaves have at times forced schools to close for days. I have experienced this personally, where temperatures soar so high that staying indoors becomes a survival necessity, disrupting learning and adding stress to already challenging studies. Floods from intense, unpredictable rains destroy classrooms, roads, and homes, displacing families and making consistent education impossible.



Girls often bear the heaviest burden when water is scarce or crops fail, as many have to drop out to fetch water from further distances or to help at home, limiting their right to education and a safe environment. These events don't just inconvenience us; they strip away basic rights to life, health, education, and a clean environment, as extreme weather exposes us to the further spread of diseases, like malaria, respiratory issues from dust and smoke, and mental strain from constant uncertainty and loss.

If stronger climate action isn't taken now, I fear the future for young people and generations after us will be even bleaker. In my region, temperatures are rising faster than the global average, meaning more devastating droughts could displace millions, worsen food insecurity, and trigger conflicts over scarce resources like water and land. By mid century, vast numbers of children could face extreme water shortages, chronic malnutrition, stunted growth and development, and interrupted schooling that traps families in poverty cycles. Health risks will explode vector-borne diseases, heat-related illnesses, and pollution-linked problems as economic opportunities shrink in agriculture-dependent areas.

Future generations might inherit a continent where safe, stable childhoods are rare, dreams of education and meaningful work feel out of reach, and migration becomes forced rather than chosen. Without urgent cuts to emissions, scaled adaptation, and support for vulnerable communities, we will lose the chance to build resilience and turn Africa's youthful energy into solutions.

My plea to the African Court on Human and Peoples' Rights is clear: Recognize that climate change is a profound human rights crisis for Africa's young people and future generations. Issue a strong advisory opinion affirming States' obligations to protect our rights to life, health, education, food, water, and a healthy environment now and for those yet to come. Hold governments accountable for ambitious, equitable action, including reparations for loss and damage, corporate responsibility, and meaningful inclusion of youth voices in decisions. We didn't cause this crisis, but we are living it every day. Please help ensure we inherit a liveable world where we can thrive, not just survive. Our future depends on justice delivered today.

Mary Asimwe Nangongi | 24 years old | Uganda

My name is Asimwe Nangongi Mary, and I'm a communications officer at Youth for Environmental Justice and Climate Action (YECA). Having grown up in the deep villages of Ntungamo district, I have witnessed devastating climate changes that are now extreme and have been felt by young people in our community.

Today, many climatic changes have greatly affected young people in Uganda. Many forests are under attack, including the Budongo, Bugoma, and Mabira forests, among others. These have resulted in increased climate change with increased droughts, which have greatly affected young people's human rights in my community.



Further, my community delivers water from one of the longest rivers called River Rwizi, located in the western part of Uganda and serving over four million people in the Ankole sub-region. Unfortunately, this river has been under attack by human activities and companies discharging waste into the river. This has made the river lose 60% of its water catchment, a situation that has resulted in a water crisis for agriculture and domestic use.

As a young female climate activist, I joined YECA in 2020, which is a youth-led organisation in Uganda aiming at building youth-led climate justice movements for climate action in Uganda. Through our community organising and mobilising, I have witnessed the impacts of climate change on young children and youth in my community.

Young people in my community are grappling with severe climate impacts, including extreme temperatures that disrupt their education, particularly during hot afternoons. The degradation of wetlands and forests, like Lwera wetland along the Masaka highway, exacerbates these issues, contributing to climate change and affecting surrounding communities' well-being.

Further, the continued exploitation of oil in ecologically sensitive areas has increased both water and air pollution in oil host communities in Uganda. The ongoing processes have resulted in environmental destruction, which has resulted in increased water and air pollution that has greatly affected young people and disrupted their education journey.

Today, if no climate action is taken to stop climate change, the country is likely to suffer food insecurity, increased school dropouts, and increased environmental destruction that will result in extreme destruction not only of the current generation, but also of the coming one. There's a need to stop the ongoing destruction of forests like Bugoma forest and stop the fossil fuel extraction in Uganda to save nature and people.

My message to the African Court is that the Court should define positive obligations of African States to monitor and regulate multinational corporations operating within their jurisdiction that contribute to environmental degradation, such as those involved in deforestation or extractive industries. In addition, the Court should call for the protection of activists and environmental human rights defenders who face risks while defending lands and ecosystems, especially those opposing the construction of the East African Crude Oil Pipeline (EACOP) and other oil projects in Uganda.

Tidjani Hamza | 28 years old | Central African Republic



I am from the Central African Republic, in the heart of the African continent and the Congo Basin, the second-largest biodiversity reserve in the world. Yet for years I have watched this natural heritage disappear before our eyes, in almost total silence.

In my native province, Bria, I saw the Kotto River become toxic and cloudy. I saw fish die because of the mercury used in gold and diamond mining. This pollution contaminates groundwater, spreads waterborne diseases, and exposes populations to heavy metals.

Further south in the country, I saw the dense humid forest disappear under the effect of logging and mining. This destruction led to the forced displacement of the Aka indigenous peoples, one of the last peoples living in close harmony with nature on the African continent.

Under pressure from foreign exploitation companies, benefiting from concessions granted by our government on their ancestral lands, these communities are forced to leave their territory. They lose far more than a living space: the forest was their home, their natural pharmacy, their source of subsistence, and the foundation of their cultural identity.

In the Fertit region, in the north of the country, where I am from, following the intensification of the effects of climate change, I have seen the populations caught between drought, crop losses, and destructive floods. They move constantly to survive.

Faced with this, I became committed. I work to support access to climate finance for sub-Saharan African countries and to strengthen the resilience and adaptive capacities of the communities most vulnerable to climate challenges.

That is why I support this *amicus curiae* brief submitted to the African Court on Human and Peoples' Rights, hoping that the opinion will take into account concrete realities like those we live in the Central African Republic, where climate disruption and poor environmental policy are progressively destroying our livelihoods, so that the decisions made today will still allow our local communities and indigenous peoples to live with dignity from their land tomorrow.

WHEN THE RAINS COME, WE STOP LIVING

In Kampala, the rain no longer brings relief, it brings fear.

On what should be an ordinary business day, dark clouds gather over the city. Within hours, the streets of the central business district are flooded. Shops close abruptly, boda bodas disappear, and young people, students, entrepreneurs, and workers stand stranded, watching their day slip away. For many, this is not a one-time disruption. It is a cycle that repeats with every heavy rainfall.

I have seen young vendors in the Owino Market, Kikubo, and Arua Park areas lose their merchandise to floodwaters. I have seen students from Makerere University, Ndejje University and other schools around the city fail to attend lectures or exams. I have seen small businesses, often started with limited savings, collapse after just a few flooding incidents. *These are not isolated events; they are lived realities shaping the future of a generation.*

If stronger climate action is not taken now, the impact on young people and future generations will be devastating. Opportunities will shrink as businesses become riskier to sustain. Education will be increasingly interrupted. Health risks will rise, especially in flood-prone communities where sanitation systems fail. The city, once a hub of opportunity, risks becoming a place of uncertainty.

More importantly, the psychological toll cannot be ignored. Young people are growing up in an environment where progress feels fragile, where a single downpour can undo weeks or months of effort. This erodes confidence, ambition, and hope.

Yet, within this crisis lies potential. Young people in Kampala are already stepping up; organizing community clean-ups, advocating for better waste management, and raising awareness about environmental protection. With the right support, they can lead transformative change.

We need urgent investment in climate-resilient infrastructure, protection and restoration of wetlands, and inclusive policies that prioritize vulnerable communities. Climate action must move beyond discussion to implementation.

In Kampala, every flood is more than rising water; it is a warning. And if we fail to act now, it is the future of young people that will be submerged next.



Bob Barigye | 35 years old | Uganda

My name is Barigye Bob, I'm a Ugandan climate activist and human rights defender, known for my involvement in the campaign against the East African Crude Oil Pipeline (EACOP) and for advocating for environmental protection and community rights. I have been active in the Stop EACOP campaign, raising awareness about the project's environmental and human rights impacts, especially to the young people in the greater Masaka region. Because of my work with EACOP, I have been arrested multiple times while organizing protests and having public discussions.

The Stop EACOP campaign has highlighted how expanding fossil fuel projects not only contributes to global warming but also causes serious social and environmental impacts in East Africa. Among the most significant effects are disrupted education, displacement, mental health challenges, and food insecurity to these young people and their families.

Climate change has worsened in Africa, leading to extreme weather events such as floods in Kampala that have damaged schools and interrupted learning. In addition, families displaced due to land acquisition for the pipeline often struggle to keep their children in school. Displacement is another major issue, as many people lose their homes and land, either directly from the project or from climate-related disasters, leaving them vulnerable and without stable livelihoods. These challenges also affect mental health, as individuals face stress, anxiety, and trauma from losing their homes, income, and community support systems. Furthermore, food insecurity increases because farmland is taken for the pipeline, and changing weather patterns reduce agricultural production.

If stronger climate action is not taken, climate change will significantly affect both young people and future generations in Uganda, limiting their opportunities and quality of life. Economic challenges are likely to increase, especially because Uganda relies heavily on agriculture. Unpredictable rainfall and prolonged droughts can reduce crop yields, leading to fewer job opportunities for young people and higher levels of poverty. At the same time, food insecurity may worsen, making it difficult for families to access enough nutritious food, which can affect children's growth and development.

Climate change will also impact health, as rising temperatures and poor environmental conditions increase the spread of diseases. Overall, without urgent action, young people in Uganda will face a future marked by instability, fewer opportunities, and greater challenges, placing a heavy burden on the next generation.

I respectfully appeal to the African Court on Human and Peoples' Rights to recognize climate change as an urgent human rights crisis. In countries like Uganda, its effects are already devastating lives—more children are going hungry, more young people are being forced out of school, and more families are losing their homes and livelihoods. I urge the Court to call for stronger, enforceable protections for vulnerable communities, including the rights to food, education, shelter, and a healthy environment. Climate change is not a distant threat; it is a present injustice.

I further call for the meaningful inclusion of young people in decision-making processes, as they will bear the greatest burden of these impacts. Governments and responsible actors must also be held accountable for actions that worsen this crisis.

The time to act is now. Recognizing climate change as a human rights issue is essential to protecting dignity, justice, and the future of generations to come.

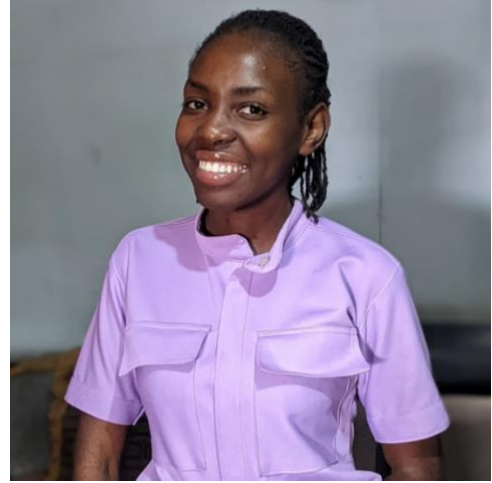


Lysa Bingi Bindu | 23 years old | Democratic Republic of the Congo

I was born in Goma, in the east of the Democratic Republic of the Congo, a city between Lake Kivu and Mount Nyiragongo and surrounded by impressive natural beauty. But behind this beauty hides a reality that is increasingly difficult to live with.

As I grew up, I observed the gradual changes in our environment. Temperatures have become higher, with heat waves increasingly frequent. The seasons are no longer stable. Rains sometimes arrive suddenly, causing floods, landslides, and loss of life.

Today, it is scientifically proven that these disruptions are linked to human activities. Yet, despite this evidence, I observe with concern that our government continues to authorize extractive projects that further weaken our ecosystems. These activities pollute the water, degrade the soils, and increase the vulnerability of the population.



Faced with this situation, I refused to remain passive. I became involved with the Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL), where I work with other young people to raise awareness in our communities. We train young people to understand climate issues, to protect the biodiversity of Virunga National Park, and to adopt sustainable practices.

I also advocate for our country to move away from fossil fuels and to invest more in renewable energies. The Democratic Republic of the Congo has enormous potential in this area, and it is essential to exploit it responsibly to ensure a just energy transition.

It is within this reality that I support this amicus curiae brief addressed to the African Court on Human and Peoples' Rights, hoping that the advisory opinion will help curb choices that increase our exposure to risks and encourage directions that protect the populations of Goma and elsewhere in the face of a crisis we can no longer ignore.

Joackim Mumbere | 35 years old | Uganda

In the Kasese District of western Uganda, where I come from, young people from the communities around Kilembe and along the Nyamwamba River are already experiencing severe climate impacts worsened by historical environmental degradation from the abandoned Kilembe copper mines. These impacts include frequent flooding, soil and water contamination, displacement, worsening health conditions, and growing food insecurity.

Floodwaters erode abandoned copper mine tailings containing toxic heavy metals, contaminating water sources, farmland, and crops. Every year, floods destroy homes, schools, roads, and critical infrastructure, including Kilembe Mines Hospital—the main public health facility in the area. These disasters threaten young people's rights to life and health as floods and landslides cause deaths, injuries, and displacement, forcing families into unsafe temporary settlements.

Exposure to contaminated water and soil has increased serious health risks, including cancer and ulcers. Research conducted by the Department of Chemistry at Mbarara University of Science and Technology (2018–2019) reported high levels of cancer prevalence in the area. Many young people have lost parents to these illnesses, leaving them orphans and exacerbating their livelihoods.

Floods also disrupt education by damaging schools, blocking roads, and displacing families, leading to school closures and increased dropout rates. These conditions violate Articles 4, 16, and 17 of the African Charter on Human and Peoples' Rights and demonstrate that climate change is both an environmental and human rights crisis affecting young people's future.



If stronger climate action is not taken now, young people and future generations in Uganda will face worsening floods, food insecurity, disrupted education, and growing health risks. In communities like Kasese, these impacts are already visible. Without urgent mitigation and adaptation, climate change will deepen poverty, undermine fundamental rights, and entrench intergenerational injustice.

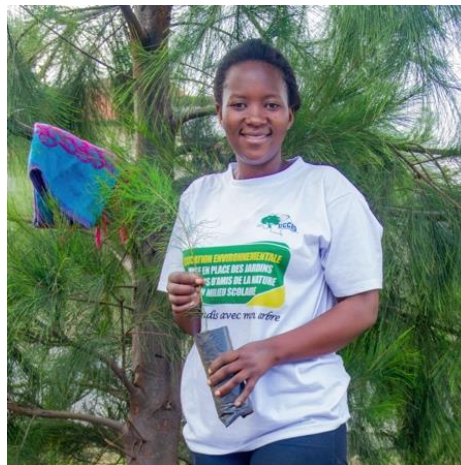
Human rights and the environment are indivisible—young people cannot thrive without a safe planet. This testimony calls on the African Court to affirm States' obligations to protect against such violations, ensuring accountability for both climate inaction and legacy pollution harms.

Aimerance Nzigirei Bahati | 29 years old | Democratic Republic of the Congo

I was born in Bukavu, in the east of the Democratic Republic of the Congo, a city often presented as peaceful, beautiful and welcoming, because it is surrounded by green hills and bordered by Lake Kivu.

I grew up watching a city that seems to struggle to breathe under the weight of the rains, population pressure and the gradual degradation of the environment. With each rainy season, worry settles into families. It is no longer only the fear of the rain that falls; but also of seeing the hills give way, the roads cut off, the houses cracking, neighborhoods becoming isolated and lives upending in just a few hours.

I have seen families sleeping outside after losing everything. I have heard children cry in front of what remained of their home. I have seen mothers trying to save a few wet clothes, a few utensils, a few papers, as if holding on to these objects means holding on to some of their life before. And after seeing this so often, one can no longer pretend these are isolated accidents. They are signs of a deeper reality: an environment that is degrading, a territory becoming increasingly vulnerable and communities that are becoming accustomed, despite themselves, to emergency.



Added to this is the fragility of Lake Kivu, which is both a source of life, beauty and livelihood for many families. Yet this lake is suffering too. Pollution is increasing, waste is being abandoned unlawfully, and human pressures are intensifying.

What deeply outrages me is the fact that these realities are becoming almost ordinary. Yet no community should have to get used to losing its homes, its roads, its loved ones or its dignity at every heavy rain.

It is this awareness that has driven me, since 2020, to get involved with the Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL). In doing so, I work with young people and women to raise awareness about environmental risks, strengthen ecological consciousness and encourage concrete community-level responses.

I support this *amici curiae* brief submitted to the African Court on Human and Peoples' Rights, hoping that the advisory opinion will recognize the urgency of protecting cities like mine, where the effects of climate change turn every rainy season into a direct threat to human life, and will help guide decisions that put the safety of populations at the center of priorities.

Edison Oryema | 35 years old | Uganda

CLIMATE CHANGE ROBBED BULIISA YOUTHS OF THEIR HUMAN RIGHTS

Buliisa is one of the youngest districts in Uganda with the youngest population in the country of about 78% young people that makes up the total population of the district. It was in 2019 when the whole world was put on hold by the Covid-19 pandemic: when water level of Lake Albert increased and resulted in permanent flooding within communities near different landing sites such as Butiaba, Walukuba, Wanseko, Kabolwa, Nyamukuta. These floods have destroyed over 15,000 households and countless government institutions such as schools, health centers, GBV victims' rehabilitation centers, etc.



Several roads that connect to different communities, villages, parishes and sub-counties were cut off, resulting in water transport that is very expensive for young people and women, due to their economic activities having been destroyed by flood.

Over 5,000 primary school children dropped out of school, since the nearby schools in their community are destroyed and many of their parents, who are mainly youths and single mothers, can't afford to pay daily transport to far schools and boarding schools. The remaining communal land is grabbed by some big people in government, especially high-ranking army officers, with the intention of building more structures, hence forcing children to stay home without any hope of going to school.

Many youths, their children and parents have resorted to self-medicating and the use of unqualified health workers in unrecognized drug shops and clinics, as some of the available government and privately-owned health centers, such as Butiaba Health Center III, were destroyed by floods. The only options are very far away from the communities of the youths, and they can't afford transport to the facilities, since there are households that can't afford \$1 per week to help facilitate such bills.

Many young people, especially males, have lost their lives while fishing. This has happened especially when the government of Uganda introduced an army presence on Lake Albert to implement the Fisheries Act, by prohibiting the construction of cheap fishing canoes, hence making young people resort to fishing on logs into the lake, hence many being grabbed by crocodiles and hippopotamuses, bitten by snakes and drowning in pit latrines submerged by the floods.

Many young girls and mothers have been grabbed by crocodiles, hit by hippopotamuses, or bitten by snakes to death in their search for water for domestic use, since many piped water (tap water) facilities were destroyed and the only option is to move over 10km to the nearest community to access clean and safe water for home use.

Inguli Simbo Generose | 26 years old | Democratic Republic of the Congo



I was born in Kisangani, a city located in the heart of the Congo Basin, where the forest has long been not only a landscape but also a way of life. Growing up in Kisangani means growing up with the strong presence of nature, water, the river, the trees, the resources and the sense that the environment accompanies us in every aspect of daily life.

But over the years, I have seen this wealth become fragile. The forest cover is gradually disappearing under the effects of multiple pressures, notably those linked to the extractive activities of multinational companies. Timber, logs, minerals, intensive exploitation: these are just a few of the many activities that deeply transform the territory, often without local communities receiving fair benefits from the degradation.

Worse still, these practices are sometimes facilitated or tolerated by the authorities who are supposed to protect the public interest.

And as if that were not enough, the effects of climate change are felt strongly. Torrential rains cause floods, heat waves become more frequent, new diseases appear or spread more quickly, and the Congo River itself shows worrying signs of change. All this directly affects our communities, which are often the first exposed and the last protected.

Faced with this, I did not want to remain a mere witness. Since 2021, I have been engaged with the Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL), a youth organization under Congolese law. I work to strengthen the capacities of young people, notably those from indigenous peoples and local communities, so that they better understand sustainable energy policies, local climate issues and the mechanisms for participating in decisions that concern their future. I believe that climate justice cannot exist without the participation of the communities concerned.

My commitment also aims to promote a just energy transition, strengthen community resilience and encourage sustainable management of natural resources. Because ultimately, protecting the environment is not only preserving a natural space. It is protecting the very conditions of life, today and tomorrow.

It is with this perspective that I support this *amici curiae* brief addressed to the African Court on Human and Peoples' Rights, hoping that the advisory opinion will help curb the dynamics that destroy our natural resources and promote choices that guarantee communities like mine maintain a possible future at the heart of the Congo Basin.

WHEN THE RAINS FAILED: A YOUTH TESTIMONY ON CLIMATE CHANGE AND THE VIOLATION OF FUNDAMENTAL HUMAN RIGHTS IN RURAL UGANDA.

Young people in our village, Nyahaira, located in Buseruka sub-county of Hoima, Uganda, are already experiencing the direct impacts of climate change through declining agricultural productivity caused by unpredictable rainfall patterns. In the past eleven years, our families have depended on two reliable rainy seasons, which allowed us to plant and harvest food crops—mainly maize, cassava, and beans—twice a year. This made us feel secure having food at our homes, with surplus sold to meet



other basic needs, such as school fees, medical care services, and others. However, since around 2019, rainfall has become highly unreliable, with seasons shifting or failing completely. As a result, crop failures have become common, especially for our staple, once reliably grown foods. Today, most families only manage one harvest per year, which is often uncertain and insufficient.

These changes violate the fundamental rights of young people in several ways. The right to food and life is threatened as reduced harvests have led to food insecurity, hunger, and poor nutrition. The right to education is affected because many parents can no longer afford school fees due to reduced income from farming, forcing children to drop out of school. The right to health is compromised as poor nutrition and stressful living conditions affect both physical and mental well-being. The right to a satisfactory environment is also violated, as the environment is no longer stable or predictable enough to sustain livelihoods, stripping young people of a safe and supportive place to grow. Because of these challenges, many young people are forced to migrate to towns like Hoima and even Kampala in search of survival. Others take up risky or exploitative work, including casual labor, bar work, or sex work. Some girls are pushed into early marriage. These are not choices; they are consequences of a changing climate that is destroying local farming—our way of life.

If stronger climate action is not taken now, the situation will become much worse for young people and future generations in our region. Agriculture, the backbone of rural livelihoods, will continue to fail. This means increased hunger, chronic poverty, higher school dropout rates, and reduced education opportunities. It will also lead to increased rural-urban migration, overcrowding and unemployment in busy trading centers, rising cases of child labor, early marriages, exploitation, and ultimately, loss of dignity, hope, and future prospects for young people. Furthermore, future generations may grow up without ever experiencing stable farming seasons or food security. Entire communities could lose their cultural and economic foundation as traditional farming systems collapse. Climate change will not only affect the environment; it will continue to destroy lives, dreams, and human potential.

My personal plea to the African Court: climate change is already harming us. It is not a future problem; it is our daily reality. As a young person who has lived through these changes, I have seen how unpredictable weather has taken away our food, our education, and our dignity. I ask the Court to recognize that climate change is a violation of human rights, especially for young people in rural communities who depend entirely on natural rain for survival. We are not asking for sympathy; we are asking for justice.

Christophe Djalouoli | 28 years old | Republic of Benin

I am a Beninese national. In the North-Benin department where I live, I see directly the effects of the climate crisis on our communities, characterized by a worrying disruption of the seasons. The rains, once regular, are becoming increasingly rare and unevenly distributed; this situation has led to a decline in agricultural yields within my community.

In the localities of Atacora, Alibori, Donga and Borgou, maize or sorghum fields dry up before maturity, causing significant crop losses with serious impacts on food security and the local economy.

The climate crisis also manifests itself through extreme events. In certain areas of the north, notably near floodplains, populations face seasonal floods that are increasingly violent. These floods destroy homes, carry away belongings and force entire families to move to safer areas, often in precarious conditions. I have personally witnessed these displacements, which are becoming progressively recurrent and further weaken the communities. In addition, land degradation, the scarcity of water resources and the reduction of pastures complicate the lives of herders, encourage transhumance and increase tensions related to access to natural resources.

Through my exchanges with young people and local leaders, a common concern emerges: seeing their future compromised by a climate crisis they did not cause.

This crisis goes beyond the purely environmental dimension; it affects food security, social stability and human dignity. It imposes constant adaptation on communities, often with limited means. That is why it becomes essential to strengthen local actions, support community initiatives and involve young people more in the search for sustainable solutions. Because behind every disrupted season, every lost harvest and every displaced family, there is a real urgency that deserves to be heard and taken into account by our government and by polluting countries, in order to respect human rights and the environment.

That is why I ask the African Court on Human and Peoples' Rights, in giving its opinion on this amicus curiae brief, to listen to science and to consider ways to protect my community and future generations.



Gerald Barekye | 30 years old | Uganda

IT'S NO LONGER SAFE WHEN WE KEEP SILENT IN AN ABNORMAL SITUATION!



My name is **Gerald Barekye**, Executive Director at the Centre for Environmental Research and Agricultural Innovations (CERAI), Uganda. Having worked with oil-affected communities in Uganda, I have discovered that the fight for climate change should never be for the future but for the present. Today, oil projects are ongoing in Uganda, including Tilenga, Kingfisher, and East Africa Crude Oil Pipeline (EACOP) projects. As the world shifts to clean renewable energy, it's unfortunate that Uganda is still committed to exploiting oil and gas resources—especially in ecologically sensitive ecosystems, including in Murchison Falls National Park—a situation that has worsened climate change.

Further, the ongoing oil and gas projects in the Albertine region have greatly increased school drop-out and disrupted children and youth's education. This is due to extreme weather conditions that are characterised by the increased flooding from the Tilenga oil project and increased human-wildlife conflict that has resulted in the death of young people in the Buliisa district. This is all caused by the ongoing oil exploitation in Murchison Falls National Park: a situation that has not only scared children from going to school, but also has increased climate change risks to them.

The ongoing projects, especially the EACOP project, have greatly increased human rights and environmental violations that have greatly affected young people in affected communities. These projects include compulsory land acquisition from households without fair and adequate compensation, resulting in families losing their livelihood. This situation—where land, families' sole source of income, was taken without adequate compensation—has left many unable to earn a living or pay school fees. As a result, many households, particularly those relocated to the Kyakaboga resettlement camp, now rely on charity or begging to feed their children.

Further, due to ongoing oil and gas projects, young people's rights have been violated whenever they come out to express themselves about the ongoing oil and gas injustices. They have been brutally arrested and detained, and this has greatly affected the students who are involved in climate action against EACOP injustices. During our meetings, Martha, who was one of the previously affected students, said: "I was detained and missed one of the papers, which disrupted my academic journey." Further, in 2025, over 50 youth climate justice activists have been arrested and detained, and, as I write this story, eight environmental defenders are still detained.

In Uganda, climate change is already having devastating impacts not only on young people but also on future generations. This is evidenced by the rising temperatures, changing rainfall patterns, and increased extreme weather events that are affecting agriculture, food security, and livelihoods. For instance, droughts and floods are becoming more frequent, leading to crop failures and livestock deaths, which threaten food security and income sources for many families, especially those affected by the Tilenga oil project in the Albertine region. If strong climate action isn't taken and fossil fuel projects aren't stopped, these impacts will worsen, threatening Uganda's development and the well-being of its youth. The country's reliance on biomass energy and limited access to clean energy exacerbate these challenges.

My message to the Members of the African Court: I urge you to uphold the rights of African communities disproportionately affected by climate change and recognise the urgent need for climate accountability and justice. The African Court should hold States and corporations accountable for environmental harm and human rights violations and ensure a just transition to sustainable energy systems, prioritising the rights and livelihoods of African citizens. Your decisions will shape the future of our continent and inspire global climate action.

Kwakhanya Hewu | 18 years old | South Africa

As a young girl growing up in Motherwell, near Port Elizabeth (Gqeberha), climate change is not something distant; it is part of my everyday life. I live near an open field that has slowly turned into a dumping site. What used to be a place where children could play is now filled with waste, plastic, and sometimes even rotting food. The smell is strong, especially on hot days, and the air feels heavy and unsafe to breathe.

In my community, climate change is making existing problems worse. We already struggle with poor waste management, and now with rising temperatures, the waste decomposes faster and creates more pollution. People often burn rubbish, which fills the air with smoke and makes it difficult to breathe. Studies show that areas like Motherwell already face serious air pollution from waste burning and nearby industries, which puts children's health at risk.

There are also times when heavy rains come suddenly. Instead of helping, the rain mixes with the waste in the field and flows into the streets. This spreads dirty water and increases the risk of disease. In some parts of Motherwell, poor drainage and infrastructure make flooding worse, especially during storms.

These conditions affect our rights as young people. Our right to health is violated because we are exposed to pollution, dirty water, and harmful waste. Our right to education is affected when we get sick or when extreme weather disrupts school. Our right to a safe environment is clearly not being protected. There have even been tragic cases in Motherwell where children were harmed after interacting with waste at dumping sites, showing how dangerous this situation is.

I am worried about the future. If climate change continues without strong action, conditions in my community will only get worse. South Africa is already facing droughts, water shortages, and increasing heatwaves. These changes will make life harder for young people, especially those living in poor communities. Water may become even more scarce, food more expensive, and diseases more common. Climate change will deepen inequality, affecting those of us who already have the least.

My message to the African Court is simple but urgent: we are children, but we are already carrying the burden of a crisis we did not create. Living next to a dumping site in a warming world is not just unfair, it is a violation of our basic human rights. We ask the Court to listen to our voices and hold governments accountable. We need clean environments, proper waste management, and real climate action now. Our future should not be decided by neglect. We deserve to grow up in a safe, healthy, and dignified environment.



Mark John Dechi Zumji | 38 years old | Nigeria

My story comes from the heart of Jos, often called the “Tin City,” and is deeply tied to the land and the silent tragedies it carries. I grew up hearing stories of prosperity; how tin mining once brought wealth and attention to my State and the country at large.

But what remained after the boom was not wealth, but scars: abandoned mining sites meant thousands of open pits, broken, and left unattended. Over time, rainwater filled these pits, turning them into deep, deceptive ponds scattered across communities. As a young boy, I saw these ponds not as history, but as danger. Children played near them. Farmers walked past them. Some residents even used the water, unaware of the risks. Many never returned home.

These water-filled mining pits silently became death traps, still and unforgivingly, claiming lives through drowning and exposure to polluted waters. In my community, grief became familiar. Families mourned loved ones lost to what never should have existed in the first place. The land itself had turned against its people, not by nature, but by neglect. Studies show that these abandoned ponds are not only physically dangerous but also contaminated, posing long-term health risks to those who depend on them.

This reality shaped my path. Rather than simply accept it, I began to speak out as a climate and environmental advocate, connecting the suffering of my people to broader issues of environmental injustice and poor regulations. I saw clearly that what was happening in Jos was a violation of basic human rights, especially the right to a safe and healthy environment. Today, my story is not just personal—it is a call to action. A reminder that behind every abandoned mine is a community still living with its consequences. And that until these lands are restored and made safe, the tragedy will continue to take one life at a time. But it's possible to ensure that these lands are refilled.



IMPACTS OF CLIMATE CHANGE ON YOUNG PEOPLE

Uganda is vulnerable to the climate change disruptions currently occurring, such as the worsening droughts, floods, landslides, etc, and to future disruptions that are impending. A case in point is the heavy rainfall that led to the fatal landslides and flooding in November 2024 in Bulambuli District and the recent floods in Kampala city in January 2026. In Bulambuli District, the young people represent 70% of the total population; the impacts of the landslides directly affected the young people, where 49 people lost their lives, and 125 households were destroyed, making the young people homeless.



The floods have also led to an influx of waterborne diseases in these communities, which is increasing death rates and the unproductivity of the young people. The destruction of various infrastructure, such as roads, health centers, and schools, has directly affected the transport system, where young people find it very difficult to move, therefore lacking accessibility to health centers, schools, and employment opportunities. Climate change has continuously threatened the agricultural system in Uganda, yet agriculture employs 70% of the Ugandan working population. As a result, this has led to food insecurity and increased unemployment among young people, causing them to lack the financial resources to absorb the shocks caused by the climate disruption—but also directly affects their mental and physical health.

Having suffered the brunt of these climate change impacts, the young people have mobilized themselves to advocate for climate action through forming youth-led community-based organizations which are doing many organizational activities—like community mobilization, writing petitions, engagement of stake holders, peaceful protests—but the government of Uganda, using its legal and political systems, violates the rights of young people through brutal arrests and denial of justice by the judiciary, making it very difficult for the young people working with these community-based organizations to exercise their rights. The affected young people in these communities whose homes and gardens were destroyed, have not received resettlement or other forms of support.

The young people in these communities are being denied the right to health, education, a safe and healthy environment, safe water, housing, freedom of speech, and expression. Therefore, for the world to promote justice, we must avoid the human rights violations that emanate from environmental challenges.

My message to the African Court on Human and Peoples' Rights is that countries must take appropriate measures to protect youth and the planet from the negative impacts of climate change.

APPENDIX III. ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACDEG	African Charter on Democracy, Elections, and Governance
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
African Commission	African Commission on Human and Peoples' Rights
AIFE Uganda	African Initiative on Food Security and Environment
AMOC	Atlantic Meridional Overturning Circulation
BECCS	bioenergy with carbon capture and storage
BGR	Black Girls Rising
CBDR-RC	common but differentiated responsibilities and respective capacities
CDR	carbon dioxide removal
CHRE	Center for Human Rights and Environment
CH ₄	methane
°C	degrees Celcius
CO ₂	carbon dioxide
CRC	Committee on the Rights of the Child
DACCS	direct air carbon capture and storage
EACOP	East African Crude Oil Pipeline
ECI	Earth Co-Existence Initiative
EIA	environmental impact assessment
FACE	Fast Action on Climate to Ensure Intergenerational Justice
GHG	greenhouse gas
GtCO ₂	gigatonnes of CO ₂
HFC	hydrofluorocarbon
IEA	International Energy Agency
Inter-American Court	Inter-American Court of Human Rights
ICJ	International Court of Justice
IPCC	Intergovernmental Panel on Climate Change
ITLOS	International Tribunal for the Law of the Sea
JUREC	Juristes pour l'Environnement au Congo
JVE Sénégal	Jeunes Volontaires pour l'Environnement Sénégal
NDC	Nationally Determined Contribution
N ₂ O	nitrous oxide
O ₃	tropospheric ozone
PM _{2.5}	particulate matter
SLCP	short-lived climate pollutant
SYND	Strategic Youth Network for Development
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UNICEF	United Nations International Children's Emergency Fund
UNCLOS	United Nations Convention on the Law of the Sea
UCCND ASBL	Congolese Union for Nature Conservation and Sustainable Development
Y4CM	Youth for Climate Morocco

Signed and dated this **30** day of **March 2026**.

A handwritten signature in black ink, appearing to be 'Romina Picolotti', with a stylized, cursive script.

Romina Picolotti, President and Founder, CHRE
Center for Human Rights and Environment
1055 Vintner Blvd.
Palm Beach Gardens, FL 33410
United States
+1 415 601 7763

A handwritten signature in black ink, appearing to be 'Rebecca Mitchell', with a stylized, cursive script.

Rebecca Mitchell, Lead Pro Bono Lawyer, CHRE

A handwritten signature in black ink, appearing to be 'Trina Chiemi', with a stylized, cursive script.

Trina Chiemi, Founding Co-chair, FACE
Fast Action on Climate to Ensure Intergenerational Justice
5800 MacArthur Blvd., NW
Washington, DC, 20016-2512
United States
+1 919 800 8341

A handwritten signature in black ink, appearing to be 'Fielding B.', with a stylized, cursive script.

Fielding Burnette, Law Fellow, FACE



Madelyn Zuckerman, Research Associate, FACE



Atuheire Brian

African Initiative on Food Security and Environment (AIFE-Uganda)

Edna House Bukoto Kisasi Road Floor 3, Kampala, Uganda

+256 75 839 0978

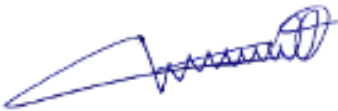


Xoli Fuyani

Black Girls Rising (BGR)

Bertha House, 69 Main Road, Mowbray, Cape Town, South Africa

+27 73 144 6475



Muhindo Kithi David, Coordinator

Congolese Union for Nature Conservation and Sustainable Development (UCCND ASBL)

No. 34, Selemani Ave., Kasabinyole Neighborhood, Ruwenzori Commune, City of Beni, North Kivu Province, Democratic Republic of the Congo

+243 972 483 897



Ignatious Kudakwashe Maeresa
Earth Co-Existence Initiative (ECI)
919 Addlyn Westgate, Harare, Zimbabwe
+263 77 363 2331



Mounganga Boulingui Hyacinthe Emilien, Program Director
Jeunes Volontaires pour l'Environnement Sénégal (JVE Sénégal)
Lot 4 Cités Impôts et domaines Patte D'oie Dakar
Senegal
+221 33 855 13 93, +221 77 735 81 76



Edo Lilakako Litielo, Deputy Coordinator
Juristes pour l'Environnement au Congo (JUREC)
4746, avenue de la Gombe, Commune de la Gombe, en face de l'Ecole Belge de Kinshasa/RDC
Democratic Republic of the Congo
+243 819 940 015



Chibeze Ezekiel, Executive Coordinator

Strategic Youth Network for Development (SYND)

House No. 17 Naa Afiye Okropong Close, Achimota, Accra

Ghana

+233 24 496 7931



Dr. Omaima Khalil El Fanne

President of Youth for Climate Morocco (Y4CM)

Km 8, BP 8110 Route d'El Jadida, Casablanca

Morocco

+212 701 277 765

To be served upon:

The Registrar of the African Court on Human and Peoples' Rights

Mwalimu Julius Nyerere Conservation Centre

Dodoma Road

P.O. Box 6274

Arusha, United Republic of Tanzania

Email: registry@african-court.org

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²² GHGs are gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of radiation emitted by the Earth’s surface, by the atmosphere itself, and by clouds. This property causes the greenhouse (warming) effect. Id. at 2233.

²³ [Aerosols are] a suspension of airborne solid or liquid particles, with...atmospheric lifetimes of up to several days in the *troposphere* and up to years in the *stratosphere*....Aerosols can cause an *effective radiative forcing* (warming) directly through scattering and absorbing radiation (*aerosol–radiation interaction*), and indirectly by acting as *cloud condensation nuclei* or ice nucleating particles that affect the properties of clouds (*aerosol–cloud interaction*), and upon deposition on snow- or ice-covered surfaces....Aerosols may be composed of sea salt, organic carbon, *black carbon (BC)*, mineral species (mainly desert dust), sulphate, nitrate and ammonium or their mixtures. Id. at 2216.

²⁴ See id. at § 2.1.

²⁵ Piers M. Forster et al., [Indicators of Global Climate Change 2024: Annual Update of Key Indicators of the State of the Climate System and Human Influence](#), 17(6) Earth Sys. Sci. Data 2641, at 2646-2647 (2025) [hereinafter “Forster, [Indicators of Global Climate Change 2024](#)”]; IPCC, 2023: [Synthesis Report](#) at 44.

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³⁰ IPCC, 2021: [WGI Physical Science Basis Report](#) at 2233, 2241.

³¹ See IPCC, 2021: [WGI Physical Science Basis Report](#) at 642.

³² See id., Table 7.SM.7. Showing N2O lifetime of 109 years and GWP100 of 273.

³³ Methane is a potent GHG, a major component of natural gas, and associated with all hydrocarbon fuels. Methane is also associated with enteric fermentation from cattle and paddy rice production in the agriculture sector. Methane is also produced where organic matter decays under anaerobic conditions, such as in landfills and wastewater treatment. Id. at 2238.

³⁴ HFCs are organic compounds that contain fluorine, carbon and hydrogen atoms and they are produced commercially as a substitute for ozone-depleting gases. Id. at 2221, 2234.

³⁵ Tropospheric ozone (smog) is created in the troposphere by photochemical reactions involving gases resulting from natural and human activities. Id. at 2241.

³⁶ Black carbon (soot) is a relatively pure form of carbon, arising from the incomplete combustion of fossil fuels, biofuel, and biomass, and a component of fine particulate matter. It is a climate forcing aerosol with a strong warming effect, both in the atmosphere and when deposited on snow or ice. Id. at 2220.

³⁷ IPCC, 2021: [WGI Physical Science Basis Report](#) at 823-825, Table 6.1; World Health Organization *et al.*, [World Health Organization Policy Brief: Short-lived Climate Pollutants \(SLCPS\)](#), 1 (Nov. 2, 2022) [hereinafter “WHO, [SLCP Policy Brief](#)”].

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³⁹ IPCC, 2021: [WGI Physical Science Basis Report](#) at 16, Table 7.SPM.7.

⁴⁰ Id. at 7, Figure SPM.2 (methane responsible for 0.51°C of 1.07°C of observed warming in 2019); United Nations Environment Programme & Climate & Clean Air Coalition, [GLOBAL METHANE ASSESSMENT: 2030 BASELINE REPORT](#), Summary for Policymakers at 5 (2022) [hereinafter “UNEP, [Global Methane Assessment Baseline Report](#)”].

⁴¹ See IPCC, 2023: [Synthesis Report](#) at § 2.1.1.

⁴² Id. at § 2.1.1.

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⁴⁴ E.g., Sirui Wangh *et al.*, [Potential shift from carbon sink to a source in Amazonian peatlands under a changing climate](#), PROC. NAT’L. ACAD. SCI. (2018).

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- ⁴⁶ Id. at § 2.1.2; *see also* id., Summary for Policymakers at 5-8.
- ⁴⁷ Id. at 6.
- ⁴⁸ Id. at 6.
- ⁴⁹ Id. at 6, ¶ A.2.6.
- ⁵⁰ *See* IPCC, 2023: [Synthesis Report](#) at 51; Committee on Economic, Social and Cultural Rights, [Climate Change and the International Covenant on Economic, Social and Cultural Rights](#), E/C.12/2018/1*, ¶ 4 (Oct. 31, 2018) [hereinafter “E/C.12/2018/1*”]; Human Rights Council, [Resolution 16/27. The Right to Food](#), A/HRC/RES/16/27 (Apr. 13, 2011) [hereinafter “A/HRC/RES/16/27”]; HRC, [Resolution 10/12. The right to food](#), A/HRC/RES/10/12 (Mar. 26, 2009) [hereinafter “A/HRC/RES/10/12”]; HRC, [Resolution 13/4. The Right to Food](#), A/HRC/RES/13/4 (Apr. 14, 2010) [hereinafter “A/HRC/RES/13/4”]; HRC, [Resolution 7/14. The Right to Food](#), A/HRC/RES/7/14 (Mar. 27, 2008) [hereinafter “A/HRC/RES/7/14”]; HRC, [Resolution 32/33. Human Rights and Climate Change](#), A/HRC/RES/32/33 (July 18, 2016) [hereinafter “A/HRC/RES/32/33”].
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- ¹⁸⁵ Ibid.
- ¹⁸⁶ See Martin C. Hänsel et al., [Climate economics support for the UN climate targets](#), 10 NATURE CLIMATE CHANGE 781–789, 787 (2020).
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- ¹⁹⁵ *Id.* at 99, Table 2.9.
- ¹⁹⁶ IPCC, 2022: [WGII Impacts, Adaptation and Vulnerability Report](#) at 1334. *See also* Pedro Rodríguez-Veiga *et al.*, [Loss of tropical moist broadleaf forest has turned Africa’s forests from a carbon sink into a source](#), 15 SCI. REP. 1, 1 (2025).
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- ¹⁹⁹ *Id.* at 1332.
- ²⁰⁰ Richard Eba’a Atyi *et al.*, [The Forests of the Congo Basin: State of the Forests 2021](#), CENTER FOR INTERNATIONAL FORESTRY RESEARCH (CIFOR), 166 (2021).
- ²⁰¹ IPBES, [The IPBES regional assessment report on biodiversity and ecosystem services for Africa](#) at 155, 223.
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- ²³¹ *Id.* at 20.
- ²³² IPCC, 2022: [WGII Impacts, Adaptation and Vulnerability Report](#) at 1387.
- ²³³ *Id.* at 1387.
- ²³⁴ Save the Children, [Born into the climate crisis](#) at 23.
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- ²⁴⁵ [Convention on the Rights of the Child](#), art. 3(1), Nov. 20, 1989, 1577 U.N.T.S. 3.
- ²⁴⁶ CRC, [General Comment No. 26](#) at ¶ 80.
- ²⁴⁷ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 595–96.
- ²⁴⁸ H.R.C. Res. 35/20, U.N. Doc. A/HRC/RES/35/20, 2 (July 7, 2017) [hereinafter “A/HRC/RES/35/20”]; see also A/HRC/33/31, Annex II, ¶ 4.
- ²⁴⁹ The full title is the United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, referred to herein as the “Special Rapporteur on human rights and climate change”.
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²⁵² Inter-Am. Comm’n H.R., Res. 3/2021, *Climate Emergency: Scope of Inter-American Human Rights Obligations*, at 8 (Dec. 31, 2021) [hereinafter “IACHR, Res. 3/2021”]. Similarly, the OAS General Assembly has found that “the adverse effects of climate change might have a negative impact on the enjoyment of human rights.” O.A.S. G.A. Res. 2429 (XXXVIII-O/08), Human Rights and Climate Change in the Americas (June 3, 2008). The CRC observed that “it is generally accepted and corroborated by scientific evidence that . . . climate change has an adverse effect on the enjoyment of rights by individuals both within and beyond the territory of the State party.” *Chiara Sacchi et al. v. Argentina*, Communication No. 104/2019, UN Doc. CRC/C/88/D/104/2019, ¶ 10.9 (Oct. 8, 2021).

²⁵³ Special Rapporteur in the Field of Cultural Rights, *Report of the Special Rapporteur in the Field of Cultural Rights, Karima Bennouna*, ¶ 9, U.N. Doc. A/75/298 (Aug. 10, 2020) (internal citations omitted).

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²⁵⁵ IACHR, Res. 3/2021 at 5; *see also* [Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights](#), ¶ 16, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009).

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²⁵⁷ African Charter, Art. 18(3).

²⁵⁸ ACRWC, preamble.

²⁵⁹ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 595-96.

²⁶⁰ *Id.* at ¶ 601

²⁶¹ *Id.* at ¶ 602

²⁶² IPCC, 2022: [WGII Impacts, Adaptation and Vulnerability Report](#) at 8.

²⁶³ African Charter, Art. 24.

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²⁶⁶ [Ligue Ivoirienne des Droits de l’Homme \(LIDHO\) v. Côte d’Ivoire](#), App. No. 041/2016, Judgment (Merits and Reparations), ¶¶ 131-132 (Afr. Ct. H.P.R. Sept. 5, 2023) (citing *SERAC and CESR v. Nigeria*).

²⁶⁷ *Id.* at ¶¶ 183-185; *SERAC and CESR v. Nigeria*, ¶ 52.

²⁶⁸ *See id.* at ¶¶ 185-186

²⁶⁹ *See id.* at ¶¶ 185-186

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²⁷² ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 387-393.

²⁷³ *Id.* at ¶ 393.

²⁷⁴ *Id.* at ¶¶ 387-393.

²⁷⁵ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶ 289.

²⁷⁶ *Id.* at ¶ 272; African Charter, Art. 24.

²⁷⁷ *Id.* at ¶ 272; *SERAC and CESR v. Nigeria*, ¶¶ 52-53.

²⁷⁸ *Id.* at ¶ 273.

²⁷⁹ *Id.* at ¶ 279.

²⁸⁰ *Id.* at ¶ 283.

²⁸¹ *Id.* at ¶ 290.

²⁸² *Id.* at ¶ 291.

²⁸³ *Id.* at ¶ 300.

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²⁸⁷ *Id.* at ¶¶ 321-331.

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²⁸⁹ *Id.* at ¶¶ 337-339.

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²⁹¹ *Id.* at ¶¶ 349, 356-357.

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²⁹³ *Id.* at ¶¶ 364-366.

²⁹⁴ *Id.* at ¶ 366.

²⁹⁵ Id. at ¶¶ 369–371.

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²⁹⁷ *Forum of Conscience v. Sierra Leone*, Communication No. 223/98, Afr. Comm’n H.P.R., ¶ 20 (Nov. 6, 2000).

²⁹⁸ *Centre for Human Rights v. Tanzania*, App. No. 019/2018, Judgment (Merits and Reparations), ¶ 171 (Afr. Ct. H.P.R. Feb. 5, 2025) (citing *Makungu Misalaba v. United Republic of Tanzania*, App. No. 033/2016, Judgment (Merits and Reparations), ¶ 145 (Afr. Ct. H.P.R. Mar. 4, 2019)); see also *Ghati Mwita v. United Republic of Tanzania*, App. No. 012/2019, Judgment (Merits and Reparations), ¶ 66 (Afr. Ct. H.P.R. Nov. 7, 2023).

²⁹⁹ Afr. Ct. H.P.R. (26 May 2017), *The African Commission on Human and Peoples’ Rights vs Republic of Kenya*, App. No. 006/2012, Judgement (merits), ¶ 152.

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³⁰³ *Centre for Human Rights and others v. United Republic of Tanzania*, App. No. 019/2018, Judgment (Merits and Reparations), ¶ 173 (Afr. Ct. H.P.R. Feb. 5, 2025) (citing Afr. Comm. H.P.R., *General Comment No. 3 On The African Charter On Human And Peoples’ Rights: The Right To Life* (Dec. 12, 2015)).

³⁰⁴ *SERAC and CESR v. Nigeria*, ¶ 67.

³⁰⁵ Id., ¶¶ 7, 67.

³⁰⁶ Inter-American Court, 2025: *Advisory Opinion on the Climate Emergency and Human Rights* at ¶ 394.

³⁰⁷ Id. at ¶ 400.

³⁰⁸ ICJ, 2025: *Advisory Opinion on Obligations of States in Respect of Climate Change* at ¶ 377.

³⁰⁹ E.g., HRI/2019/1, ¶ 3; A/HRC/RES/18/22; E/C.12/2018/1*, ¶ 4; see also A/77/226, ¶ 28; A/HRC/RES/32/33, at 2; see also CRC/C/GC/26, ¶ 39.

³¹⁰ Inter-American Court, 2025: *Advisory Opinion on the Climate Emergency and Human Rights* at ¶¶ 395, 397, 91.

³¹¹ African Charter, Art. 16.

³¹² *LIDHO v. Côte d’Ivoire*, ¶ 169.

³¹³ Id., ¶ 171.

³¹⁴ Ibid.

³¹⁵ Id., ¶ 174.

³¹⁶ Id., ¶¶ 172–173.

³¹⁷ Id., ¶¶ 238–239.

³¹⁸ ICJ, 2025: *Advisory Opinion on Obligations of States in Respect of Climate Change*.

³¹⁹ ITLOS, 2024: *Advisory Opinion on Climate Change and International Law*.

³²⁰ Inter-American Court, 2025: *Advisory Opinion on the Climate Emergency and Human Rights*.

³²¹ Id. at ¶¶ 597, 599.

³²² Id. at ¶ 599.

³²³ Id. at ¶ 402.

³²⁴ Id. at ¶ 401.

³²⁵ Id. at ¶¶ 402, 445.

³²⁶ Id. at ¶¶ 595–596.

³²⁷ Id. at ¶ 454.

³²⁸ ACRWC, Art. 11.

³²⁹ See *Centre for Human Rights v. Tanzania*, ¶¶ 315, 323.

³³⁰ Id., ¶ 316.

³³¹ Id., ¶ 316.

³³² Ibid.

³³³ Ibid.

³³⁴ Id., ¶ 456.

³³⁵ ICJ, 2025: *Advisory Opinion on Obligations of States in Respect of Climate Change* at ¶¶ 214, 260.

³³⁶ ITLOS, 2024: *Advisory Opinion on Climate Change and International Law* at ¶¶ 332, 327.

³³⁷ African Charter, Arts. 22(1)–(2).

³³⁸ See for example U.N. Gen. Assembly, *Declaration on the Right to Development*, U.N. Doc. A/RES/41/128 (1986); U.N. Conf. Env’t Dev., *Rio Declaration on Environment and Development*, UN Doc. A/CONF.151/26/Rev.1 (Vol. I), Principles 1, 4 (Aug. 12, 1992).

³³⁹ Inter-American Court, 2025: *Advisory Opinion on the Climate Emergency and Human Rights* at ¶ 370.

³⁴⁰ Id. at ¶¶ 211, 370.

³⁴¹ Id. at ¶ 371.

³⁴² Id. at ¶¶ 211, 243, 370.

³⁴³ The human rights discussed in this Section are by no means the only human rights impacted by climate change. For example, a Dutch court found that the State needed to take climate change mitigation measures to protect the right to private and family life. *The State of the Netherlands v. Urgenda Foundation*, ECLI:NL:HR:2019:2007, ¶¶ 8.2.2., 8.3.4 (Dec. 20, 2019) (Neth.). This same right is recognized in Article 11(2) of the American Convention (“No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.”). As another example, this Court has “recognized that certain projects and interventions in the environment in which people live can constitute a risk to their . . . personal integrity,” which is protected under Article 5 of the American Convention. Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶ 114; *see also* American Convention, Article 5(1).

³⁴⁴ MobilizeGreen.org, [Environmental Equity vs. Environmental Justice: What’s the Difference?](#) (2023); Big Cities Health Coalition, [Understanding equity and justice](#) (May 2020).

³⁴⁵ United Nations, [REPORT OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT](#), U.N. Doc. A/CONF.48/14/Rev.1, 4 (June 1972).

³⁴⁶ [Report of the World Commission on Environment and Development](#), U.N. Doc. A/42/427, Ch. 2, ¶ 1 (Aug. 4, 1987).

³⁴⁷ Rio Declaration, Principle 3.

³⁴⁸ UNFCCC, Article 3(1).

³⁴⁹ Paris Agreement at 2.

³⁵⁰ [Maastricht Principles on The Human Rights of Future Generations](#), Article 7(c) (Feb. 3, 2023).

³⁵¹ CONSTITUIÇÃO DA REPÚBLICA DE ANGOLA [CONSTITUTION] (2010) Art. 39, ¶ 2 (“The state shall take the requisite measures to protect the environment and species of flora and fauna throughout national territory, maintain the ecological balance, ensure the correct location of economic activities and the rational development and use of all natural resources, within the context of sustainable development, respect for the rights of future generations and the preservation of species.”), Preamble (“Committed to providing a legacy for future generations...”); CONSTITUTION OF BURUNDI (2018) Art. 35 (“The State assures the good administration and rational exploitation of the country's natural resources, all in preserving the environment and the conservation of these resources for future generations.”), Preamble (“Understanding our responsibilities and our duties to the past and to future generations ...”); CONSTITUTION OF THE REPUBLIC OF CÔTE D’IVOIRE (2016) Preamble (“[Committing to] contributing to climate protection and to maintaining a healthy environment for future generations ...”); CONSTITUTION OF THE STATE OF ERITREA (1997) Art. 8 ¶ 3 (“In the interest of present and future generations, the State shall be responsible for managing all land, water, air and natural resources and for ensuring their management in a balanced and sustainable manner; and for creating the right conditions to secure the participation of the people in safeguarding the environment.”), Art. 21 ¶ 4 (“The State and society shall have the responsibility of identifying, preserving and developing, as need be, and bequeathing to succeeding generations historical and cultural heritage; and shall lay the necessary groundwork for the development of the arts, science, technology and sports, thus encouraging citizens to participate in such endeavors.”), Preamble (“Desirous that the Constitution we are adopting will be a covenant between us and the government, which we will be forming by our free will, to serve as a means for governing in harmony this and future generations and for bringing about justice and peace, founded on democracy, national unity and the rule of law ...”); CONSTITUTION OF THE KINGDOM OF SWAZILAND (2005), Act. No. 001 of 2005 (Eswatini) Art. 210.2 (“In the interests of the present and future generations, the State shall protect and make rational use of its land, mineral and water resources as well as its fauna and flora, and shall take appropriate measures to conserve and improve the environment.”); CONSTITUTION OF KENYA (2010) Art. 42 (“Every person has the right to a clean and healthy environment, which includes the right- a. to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and b. to have obligations relating to the environment fulfilled under Article 70.”), Art. 201 (“The following principles shall guide all aspects of public finance in the Republic- ... c. the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations ...”), Preamble (“RESPECTFUL of the environment, which is our heritage, and determined to sustain it for the benefit of future generations ...”); CONSTITUTION OF THE KINGDOM OF LESOTHO 1993 (rev. 2018) Art. 36 (“Lesotho shall adopt policies designed to protect and enhance the natural and cultural environment of Lesotho for the benefit of both present and future generations and shall endeavour to assure to all citizens a sound and safe environment adequate for their health and well-being.”); CONSTITUTION OF THE REPUBLIC OF MADAGASCAR (2010), Preamble (“Persuaded of the exceptional importance of the wealth of the fauna, of the flora and of the mining resources of high specificities with which nature has provided Madagascar, and that it is important to preserve it for the future generations ...”); CONSTITUTION OF THE REPUBLIC OF MALAWI (2017) Art. 13 (“The State shall actively promote the

welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals ... d. To manage the environment responsibly in order to—i. prevent the degradation of the environment; ii. provide a healthy living and working environment for the people of Malawi; iii. accord full recognition to the rights of future generations by means of environmental protection and the sustainable development of natural resources; and iv. conserve and enhance the biological diversity of Malawi.”); CONSTITUTION OF THE REPUBLIC OF NIGER 2010 (rev. 2017) Art. 35 (“Any person has the right to a healthy environment. The State has the obligation to protect the environment in the interest of present and future generations.”), Art. 149 (“The exploitation and the administration of the natural resources and of the subsoil must be done with transparency and taking into account the protection of the environment, [and] the cultural heritage as well as the preservation of the interests of present and future generations.”); CONSTITUTION OF THE REPUBLIC OF SENEGAL (2016) Art. 25-3 (“Every citizen has the duty to preserve the natural resources and the environment of the country and to work for sustainable development for the benefit of the present and future generations.”); S. AFR. CONST., art. 24 (2012) (“Everyone has the right- a. to an environment that is not harmful to their health or well-being; and b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that- i. prevent pollution and ecological degradation; ii. promote conservation; and iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”); TRANSITIONAL CONSTITUTION OF THE REPUBLIC OF SOUTH SUDAN (2013) Art. 41 (“1. Every person or community shall have the right to a clean and healthy environment. 2. Every person shall have the obligation to protect the environment for the benefit of present and future generations. 3. Every person shall have the right to have the environment protected for the benefit of present and future generations, through appropriate legislative action and other measures that: a. prevent pollution and ecological degradation; b. promote conservation; and c. secure ecologically sustainable development and use of natural resources while promoting rational economic and social development so as to protect genetic stability and bio-diversity.”), Art. 173-2 (“Petroleum and gas development and management shall be guided by the following principles: ... c. promoting efficient and sustainable resource management ... g. promoting balanced and equitable development ... m. safeguarding interests of future generations ...”), Preamble (“Conscious of the need to manage our natural resources sustainably and efficiently for the benefit of the present and future generations...”); CONSTITUTION OF ZIMBABWE (2013) (Zim.) Art. 73.1 (“Every person has the right-- a. to an environment that is not harmful to their health or well-being; and b. to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that-- i. prevent pollution and ecological degradation; ii. promote conservation; and iii. secure ecologically sustainable development and use of natural resources while promoting economic and social development”).

³⁵² ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶ 157.

³⁵³ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996 (I), p. 241, para. 29.

³⁵⁴ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶ 157.

³⁵⁵ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 300–02.

³⁵⁶ *Id.* at ¶ 282.

³⁵⁷ *Id.* at ¶¶ 290, 311.

³⁵⁸ *Id.* at ¶¶ 272, 311.

³⁵⁹ ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶ 198.

³⁶⁰ *Id.* at ¶ 388.

³⁶¹ *The South China Sea Arbitration between the Republic of the Philippines and the People’s Republic of China*, Award of 12 July 2016, RIAA, Vol. XXXIII, p. 153, at p. 519, para. 941.

³⁶² ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶ 242.

³⁶³ United Nations Conference on Environment and Development, *Rio Declaration on Environment and Development*, A/CONF.151/26 (Vol. 1), Principle 15 (June 13-14, 1992).

³⁶⁴ UNFCCC, Article 3(3).

³⁶⁵ [Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others](#) (CCT67/06) [2007] ZACC 13; 2007 (10) BCLR 1059 (CC); 2007 (6) SA 4 (CC) (7 June 2007), ¶¶ 81, 98 (S. Afr.).

³⁶⁶ [Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others](#) (3491/2021) [2022] ZAECKMHC 55; 2022 (6) SA 589 (ECMk) (1 September 2022), ¶¶ 109–10 (S. Afr.).

³⁶⁷ *Ken Kasing’a v Daniel Kiplagat Kirui & 5 others* [2015] KEHC 1181 (KLR), ¶ 73 (Ken.). See also [Amu Power Company Limited v Save Lamu & 6 others](#) (Environment and Land Appeal 6 of 2019), ¶ 142 (Ken.).

³⁶⁸ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 158, 161, 172, 178.

³⁶⁹ *Id.* at ¶ 294.

³⁷⁰ *Id.* at ¶ 293.

³⁷¹ Id. at ¶ 286.

³⁷² Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 229, 308.

³⁷³ Id. at ¶ 230.

³⁷⁴ Committee on Economic, Social and Cultural Rights, [General Comment No. 25 on science and economic, social and cultural rights](#), U.N. Doc. E/C.12/GC/25, ¶ 56 (Apr. 30, 2020) (emphasis added).

³⁷⁵ CRC, [General Comment No. 26](#), ¶ 69.

³⁷⁶ See generally Report of the World Commission on Environment and Development: Our Common Future (1987) UN Doc. A/42/427, at 16.

³⁷⁷ African Charter, Art. 22, 24.

³⁷⁸ Afr. Comm. H.P.R. (30 Oct. 2018) [State Reporting Guidelines and Principles on Articles 21 And 24 of the African Charter relating to Extractive Industries, Human Rights and the Environment](#), 28.

³⁷⁹ Ibid.

³⁸⁰ Afr. Union (10 June 2013), [Agenda 2063](#), Aspiration 1.

³⁸¹ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶ 147.

³⁸² Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 211, 281.

³⁸³ Rajamani, [National 'fair shares' in reducing greenhouse gas emissions](#) at 990.

³⁸⁴ Ibid.

³⁸⁵ *Sacchi v. Argentina*, ¶ 10.10; see also *Neubauer v. Germany*, ¶ 197.

³⁸⁶ African Commission on Human and Peoples' Rights, [ACHPR/Res.153\(XLVI\)09](#) (Nov. 25, 2009).

³⁸⁷ African Commission on Human and Peoples' Rights, [ACHPR/Res.342\(LVIII\)2016](#) (Apr. 20, 2016).

³⁸⁸ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 148, 178.

³⁸⁹ Id. at ¶¶ 148-150.

³⁹⁰ ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶¶ 226, 241.

³⁹¹ Id. at ¶¶ 229, 243.

³⁹² Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 216, 324.

³⁹³ Id. at ¶¶ 327-329

³⁹⁴ Id. at ¶ 237.

³⁹⁵ Id. at ¶¶ 258-264

³⁹⁶ Id. at ¶ 33.

³⁹⁷ Id. at ¶ 33 FN 27.

³⁹⁸ Id. at ¶ 33.

³⁹⁹ Id. at ¶¶ 65-88, 89-118, 288.

⁴⁰⁰ Id. at ¶¶ 65-88, 89-118, 288.

⁴⁰¹ Id. at ¶¶ 69, 79, 86, 198.

⁴⁰² Id. at ¶ 197.

⁴⁰³ Id. at ¶¶ 227-230.

⁴⁰⁴ Id. at ¶¶ 471-473, 478

⁴⁰⁵ Id. at ¶ 478

⁴⁰⁶ Id. at ¶ 486.

⁴⁰⁷ Id. at ¶ 487.

⁴⁰⁸ Id. at ¶¶ 476-478.

⁴⁰⁹ Id. at ¶ 484.

⁴¹⁰ Id. at ¶¶ 480-481.

⁴¹¹ Id. at ¶¶ 45-50, 336-37.

⁴¹² Id. at ¶¶ 204, 236, 240, 246, 283, 326-27, 331, 336, 343, 362-64, 367, 388, 478, 485, 525, 539, 542, 559, 599-600.

⁴¹³ Id. ¶¶ 471-487.

⁴¹⁴ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶ 74. The Court also observed the adverse effects of climate change have been acknowledged by the United Nations, including UNEP, and its specialized agencies, such as the WMO, WHO and the IMO. See generally id. at ¶¶ 72-87.

⁴¹⁵ Id. at ¶ 137.

⁴¹⁶ Id. at ¶¶ 138, 254, 258-259.

⁴¹⁷ Id. at ¶ 258.

⁴¹⁸ ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶¶ 48-49, 51.

⁴¹⁹ Id. at ¶¶ 46-66, 57-58, 62.

⁴²⁰ Id. at ¶¶ 164, 172-173, 175, 241, 418.

⁴²¹ Human Rights Council, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, A/HRC/35/13, ¶ 33 (May 4, 2017).

⁴²² A/HRC/37/58, ¶ 57.

⁴²³ UNICEF, [Making Climate and Environment Policies for & with Children and Young People](#) at 1, 8.

⁴²⁴ A/HRC/33/31, Annex II, ¶ 7.

⁴²⁵ See Waleed Haider Malik & Clara L. Maghani, [VOICES OF THE VULNERABLE: PROMOTING ACCESS TO JUSTICE IN SUB-SAHARAN AFRICA](#), The World Bank, 8–9 (2023) [hereinafter “Malik & Maghani, [Voices of the vulnerable](#)”].

⁴²⁶ *Ibid.*

⁴²⁷ *Ibid.*

⁴²⁸ *Ibid.*

⁴²⁹ Kim Bouwer *et al.*, [Africa, Climate Justice, and the Role of the Courts](#), in [CLIMATE LITIGATION AND JUSTICE IN AFRICA](#), 52–53 (Kim Bouwer *et al.*, eds., 2024).

⁴³⁰ Daniel Kilemi & Nyamweya Mikhail, [From Numbers to Narratives, and Participation to Power](#), Global Youth Participation Index, 5 (2026).

⁴³¹ African Charter, Art. 16.

⁴³² African Commission on Human and Peoples’ Rights, [Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights](#), 35 (Oct. 24, 2011).

⁴³³ Article 26 of the American Convention, Article 14(2) of the Protocol of San Salvador, Articles 38, 47, and 51 of the Charter of the OAS, Article XIII of the American Declaration of the Rights and Duties of Man, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁴³⁴ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 471–473, 478.

⁴³⁵ *Id.* at ¶ 486.

⁴³⁶ *Id.* at ¶ 487.

⁴³⁷ *Id.* at ¶ 474, 525.

⁴³⁸ African Charter, Art. 9.

⁴³⁹ [African Charter on Democracy, Elections and Governance](#) (Jan. 30, 2007), Art. 19; African Union Convention on Preventing and Combatting Corruption (July 11, 2003), Arts. 9, 12(4); African Youth Charter (July 2, 2006), Arts. 10(3)(d), 11(2)(i); African Charter on Values and Principles of Public Service (Jan. 31, 2011), Art. 6; African Charter on Statistics (Feb. 4, 2009), Art. 3; *and* International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (Dec. 16, 1966), Art. 19.

⁴⁴⁰ See *LIDHO v. Côte d’Ivoire*, ¶ 191.

⁴⁴¹ *Id.*, ¶ 198.

⁴⁴² Afr. Ct. H.P.R. (27 Nov. 2020) [XYZ v. Republic of Benin](#), App. No. 010/2020, Judgment (merits and reparations), ¶ 113.

⁴⁴³ Justice Sir Dennis Adjei, [Human Rights for Justice](#), 5(2) AMICUS CURIAE, Series 2, 189 (2024).

⁴⁴⁴ *Id.* at 210.

⁴⁴⁵ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 488–489, 500.

⁴⁴⁶ *Id.* at ¶ 504.

⁴⁴⁷ *Id.* at ¶¶ 473–485, 503, 506.

⁴⁴⁸ *Id.* at ¶ 507.

⁴⁴⁹ *Id.* at ¶¶ 506, 516.

⁴⁵⁰ *Id.* at ¶ 519.

⁴⁵¹ *Id.* at ¶¶ 521–523.

⁴⁵² *Id.* at ¶¶ 522.

⁴⁵³ *Id.* at ¶¶ 525–527.

⁴⁵⁴ African Charter, Art. 13 (1).

⁴⁵⁵ *Id.*, Art. 13 (2).

⁴⁵⁶ *Id.*, Art. 13 (3).

⁴⁵⁷ [Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa](#) (Maputo Protocol), art. 19 (b) (July 11, 2003).

⁴⁵⁸ *Id.*, art. 19(c).

⁴⁵⁹ African Comm. of Experts on the Rights & Welfare of the Child, [Guidelines on Child Participation in the African Union](#), 6 (2022).

⁴⁶⁰ *Ibid.*

⁴⁶¹ ACRWC, Art. 11(2)(b).

⁴⁶² African Comm. of Experts on the Rights & Welfare of the Child, [Guidelines on Child Participation in the African Union](#), 7-9 (2022).

⁴⁶³ African Comm. of Experts on the Rights & Welfare of the Child, [General Comment No. 9: The Rights of Children in the Context of Armed Conflicts](#) (2025).

⁴⁶⁴ [Centre for Minority Rights Development \(Kenya\) & Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya](#), Communication No 276/2003, ¶¶ 289-290 (Afr. Comm'n H.P.R. Nov. 25, 2009).

⁴⁶⁵ *Id.*, ¶ 291.

⁴⁶⁶ [Bernard Anbataayela Mornah v. Republic of Benin et al.](#), Application No. 028/2018, ¶¶ 284-286 (Afr. Ct. H.P.R., Sept. 22, 2022).

⁴⁶⁷ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 130, 216; ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶¶ 298, 320.

⁴⁶⁸ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶ 531.

⁴⁶⁹ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 260-261.

⁴⁷⁰ *Id.* at ¶¶ 214-218.

⁴⁷¹ ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶¶ 412-414, 441.

⁴⁷² Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 531-532, 535.

⁴⁷³ *Id.* at ¶ 535.

⁴⁷⁴ *Id.* at ¶ 532.

⁴⁷⁵ *Id.* at ¶¶ 532-539.

⁴⁷⁶ *Id.* at ¶¶ 600-601,

⁴⁷⁷ *Id.* at ¶ 538.

⁴⁷⁸ *Id.* at ¶ 568-69.

⁴⁷⁹ [African Commission on Human and Peoples' Rights v. Republic of Kenya](#), App. No. 006/2012, Judgment (Merits and Reparations), ¶ 36 (Afr. Ct. H.P.R. June 23, 2022).

⁴⁸⁰ African Charter, Art. 21 (2)

⁴⁸¹ *Id.*, Art. 21 (1)

⁴⁸² *Id.*, Art. 7 (1)(A), Art. 7 (1)(D),

⁴⁸³ *Id.*, Art. 26.

⁴⁸⁴ *LIDHO v. Côte d'Ivoire*, ¶ 154.

⁴⁸⁵ [The Matter of Houngue Eric Noudehouenou v. Republic of Benin](#), Application No. 003/2020, ¶ 88 (Afr. Ct. H.P.R. Dec. 4, 2020).

⁴⁸⁶ See Malik & Maghani, [Voices of the vulnerable](#) at 8-9.

⁴⁸⁷ [The Matter of Harold Mbalanda Munthali v. Republic of Malawi](#), Application No. 022/2017, ¶ 8 (Afr. Ct. H.P.R. June 13, 2022), ¶ 8.

⁴⁸⁸ *LIDHO v. Côte d'Ivoire*, ¶ 153.

⁴⁸⁹ *ACHPR v. Kenya*, ¶ 41.

⁴⁹⁰ [Sir Dawda K. Jawara v. The Gambia](#), Commc'ns Nos. 147/95-149/96, ¶ 32 (2 Afr. Comm'n H.P.R. 000).

⁴⁹¹ [Responsibility of States for Internationally Wrongful Acts](#), art. 31, ¶ 31, in Report of the International Law Commission on the Work of Its Fifty-Third Session, U.N. GAOR, 56th Sess., Supp. No. 10, at 31, U.N. Doc. A/56/10 (2001).

⁴⁹² ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶ 450.

⁴⁹³ *Id.* at ¶ 451.

⁴⁹⁴ *Id.* at ¶ 452.

⁴⁹⁵ *Id.* at ¶ 453.

⁴⁹⁶ *Id.* at ¶¶ 453-455. See also [Certain Activities Carried Out by Nicaragua in the Border Area \(Costa Rica v. Nicaragua\)](#), Compensation, Judgment, 2018 I.C.J. Rep. 15, ¶¶ 35, 41-43.

⁴⁹⁷ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶ 556.

⁴⁹⁸ *Id.* at ¶ 557.

⁴⁹⁹ *Id.* at ¶ 557.

⁵⁰⁰ ITLOS, 2024: [Advisory Opinion on Climate Change and International Law](#) at ¶ 284 (citing United Nations Convention on the Law of the Sea art. 235, ¶ 2, Dec. 10, 1982, 1833 U.N.T.S. 397.)

⁵⁰¹ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶ 604.

⁵⁰² See generally, Walter Rodney, *HOW EUROPE UNDERDEVELOPED AFRICA*, Bogle-L'Ouverture Publications (1972).

⁵⁰³ Mo Ibrahim Foundation, [Africa's critical minerals: Africa at the heart of a low-carbon future](#), 2 (2022).

⁵⁰⁴ Mateo A. Zuluaga & Natalie Shortall, [UNJUST TRANSITION: RECLAIMING THE ENERGY FUTURE FROM CLIMATE COLONIALISM](#), Oxfam, at 20 (2025).

- ⁵⁰⁵ See generally United States Department of Labor, [Forced Labor in Cobalt Mining in the Democratic Republic of the Congo](#) (May 30, 2023); Or Salama, [The current state of child labour in cobalt mines in the Democratic Republic of the Congo](#), HUMANIUM (May 27, 2025).
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- ⁵⁰⁷ See Collectif pour la Défense des terres du Ndiaël & Oakland Institute, [Local communities in Senegal demand the return of their land acquired by US firm](#), GRAIN (June 16, 2022).
- ⁵⁰⁸ See Patrick Greenfield, [Revealed: more than 90% of rainforest carbon offsets by biggest certifier are worthless. analysis shows](#), THE GUARDIAN (Jan. 18, 2023).
- ⁵⁰⁹ Benedict S. Probst, [Systematic assessment of the achieved emission reductions of carbon crediting projects](#), 15 NAT. COMMUN. 9562, at 2 (2024).
- ⁵¹⁰ See Nick Malherbe & Abiodun Omotayo Oladejo, [Against Climate Aid Colonialism: The Case for Climate Reparations and South-South Solidarity](#), 60(1) AFR. SPECTR. 84, at 92 (2025).
- ⁵¹¹ IPCC, 2022: [WGII Impacts, Adaptation and Vulnerability Report](#) at 1289.
- ⁵¹² See Patrick Tousaint & Krishnee Adnarain Appadoo, [Reparative justice and the colonial continuum: Towards a Pan-African Research and Policy Agenda on Climate Reparations](#), 9 AFR. HUM. RIGHTS YEARB. 593 (2025).
- ⁵¹³ Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), [Contemporary forms of racism, racial discrimination, xenophobia and racial intolerance](#), U.N. Doc. A/74/321, ¶ 58 (Aug. 21, 2019).
- ⁵¹⁴ ICJ, 2025: [Advisory Opinion on Obligations of States in Respect of Climate Change](#) at ¶¶ 444–55; Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 556–58.
- ⁵¹⁵ Inter-American Court, 2025: [Advisory Opinion on the Climate Emergency and Human Rights](#) at ¶¶ 264, 556.
- ⁵¹⁶ Paul Griffin *et al.*, [CDP CARBON MAJORS REPORT 2017: 100 fossil fuel producers and nearly 1 trillion tonnes of greenhouse gas emissions](#), Carbon Majors Database (June 2017); discussed in Tess Riley, [Just 100 companies responsible for 71% of global emissions, study says](#), THE GUARDIAN (July 10, 2017).
- ⁵¹⁷ See generally Neela Banerjee, Lisa Song, & David Hasemyer, [Exxon: The Road Not Taken](#), INSIDE CLIMATE NEWS (Sept. 16, 2015); and Benjamin Franta, [Early Oil Industry Knowledge of CO₂ and Global Warming](#), 8(12) NAT. CLIM. CHANGE 1024 (2018).
- ⁵¹⁸ See generally Naomi Oreskes & Eric M. Conway, [MERCHANTS OF DOUBT: HOW A HANDFUL OF SCIENTISTS OBSCURED THE TRUTH ON ISSUES FROM TOBACCO SMOKE TO GLOBAL WARMING](#), London: Bloomsbury (2011); Benjamin Franta, [Weaponizing Economics: Big Oil, Economic Consultants, and Climate Policy Delay](#), 31(4) ENV. POL. 555 (2022); and Amy Westervelt, [Drilled: A True Crime Podcast about Climate Change](#) (2016–2017).
- ⁵¹⁹ African Union, [Concept Note on the African Union Theme of the Year for 2025: “Justice for Africans and People of African Descent Through Reparations”](#), EX.CL/1528(XLV) Rev. 1 (2024).
- ⁵²⁰ Lenton, [Global Tipping Points Report 2025](#), at 63, 138.