

**Special Session
Climate Crisis and National Responsibility**

**Human Rights Issues in the Era of Climate
Crisis, Why Is It a Responsibility of the State?**

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■ Human rights violations caused by climate change

The climate crisis violates human rights such as right to life, right to health, right to freedom, right to pursue happiness, right to a healthy environment, and right to property. Disasters caused by the climate crisis effects life and health, along with general freedom of action and economic activity. It destroys the environment, and violates the right to property as people lose their property due to wildfires or floods. It also violates the right to equality, exacerbating economic crises and economic inequality.

■ Importance of greenhouse gas reduction

The climate crisis is caused by the greenhouse gasses emitted by humans. Greenhouse gasses are being emitted from all around the world, and therefore the climate crisis and the resulting risks are global. The most significant way to prevent the climate crisis is to drastically reduce greenhouse gas emissions.

■ International conventions on climate change and their legal binding force in Korea
Korea has been obligated to reduce greenhouse gas emissions that cause climate change by joining the UNFCCC (United Nations Framework Convention on Climate Change), the Kyoto Protocol, and the Paris Agreement. The UNFCCC, to which Korea is a party state, is based on the intention that every party state takes measures to prevent climate change according to its responsibilities and choices so that greenhouse gas concentrations are kept at a level that can prevent the collapse of the climate system.

The Paris Agreement was signed in 2015 and officially entered into force in the form of a legally binding international treaty in Korea on December 3, 2016. The Agreement sets out the goal of limiting global temperature increase to well below 2°C above pre-industrial levels, while pursuing efforts to limit the increase to 1.5°C (Paris Agreement, Article 2.1). Under the Paris Agreement, Korea is obliged to 1) set a voluntary greenhouse gas reduction target every five years, 2) undergo global stocktake regularly, and 3) report in accordance with its framework for transparency. It requires its party states to take various measures under their domestic laws so that the greenhouse gas reduction targets submitted by the states can lead to substantial reduction.

■ Duty of the State

The Article 10 of the Constitution of the Republic of Korea declares the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals. Accordingly, where greenhouse gas reduction falls short of the minimum level to prevent climate change and thus infringes on the rights to life, health, and a healthy environment, the state has a constitutional obligation to prevent the risk of such infringement by taking appropriate and efficient measures to protect the lives and safety of its people.

■ State's duty to protect fundamental rights confirmed in judicial precedents in Germany and Netherlands

The Federal Constitutional Court of Germany judged that the Article 3.1-(2) and the Article 4.3 of the Climate Protection Act violated minors' fundamental rights as the Act stipulates the quantities of annual and sectoral greenhouse gas emissions by 2030, but does not specify protection measures for the period from 2031 to 2050, during which the nation's climate neutrality will be completed, and therefore minors will be subject to relatively more reduction obligation after 2031. According to the judgment of the Federal Constitutional Court of Germany, allowing certain quantities of greenhouse gas emissions without proper consideration of the climate crisis violates the state's duty to protect the lives, safety, and freedom of future generations. Upon the state's duty to protect the environment under the Article 20a of the Grundgesetz and the objective rights to life and personal liberty under the Article 2.2-(1) of the same law, the state is obligated to protect future generations.

The Supreme Court of the Netherlands (in the Urgenda case) ordered the Dutch government to reduce greenhouse gas emissions by at least 25% compared to 1990 levels by the end of 2020. The Court ruled that the state's obligation to "do its part" was based on the Article 2 (Right to life) and the Article 8 (Right to respect for privacy and family life) of the European Convention on Human Rights (ECHR), citing that the state is obliged to reduce greenhouse gas emissions from its territory in proportion of its obligation to do its part, and that there is a significant risk of severe climate change in the Netherlands that can endanger the lives and welfare of many people.