



22 March 2024

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Our Children's Trust calls for science-based solutions to climate crisis in brief to International Court of Justice

Amsterdam—Today, Our Children's Trust submitted a "friend of the court" brief with the International Court of Justice (ICJ or Court) urging the UN's principal judicial body to use the best available science calling for a reduction of CO₂ concentrations in the atmosphere to 350 parts per million, rather than the politically motivated temperature targets set forth in the Paris Agreement, when determining the legal obligations of Member States to address the climate crisis.

In March 2023, the UN General Assembly made a formal [request for an Advisory Opinion](#) to the ICJ following a substantial diplomatic push largely inspired by young people from the Pacific Island nations and led by Vanuatu. The request asks the Court to clarify "the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations" and the "legal consequences [of] ... acts and omissions" by the States that have "caused significant harm to the climate system and other parts of the environment." The ICJ is tasked not only with examining harm to small island developing states but also with considering the impacts of climate change on present and future generations.

Our Children's Trust submitted the *Amicus* brief because, in legal proceedings where climate is at issue, the non-science based Paris temperature targets of "[h]olding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels" have been represented inaccurately to courts as the best scientific evidence and *de facto* legal standard for compliance with international legal principles, obligations, and human rights. Crucially, the 1.5°C target is *not compatible* with either the best available science or countries' obligations under international and human rights law.

Kelly Matheson, Deputy Director of Global Climate Litigation at Our Children's Trust, said in a statement: "An examination of the history leading up to the Paris Agreement reveals the even

the lower aspirational temperature target of 1.5°C is a product of diplomatic compromise rather than scientific inquiry. The notion that the immutable laws of physics and chemistry would bend to conform to the agreement of international negotiators who cast science aside for political consensus is a profoundly flawed approach to safeguard humanity.”

The ICJ has only granted permission to States and a few inter-governmental organizations to submit statements for official inclusion in the case file. Other submissions, like the one from Our Children’s Trust, may be “consulted.” Essentially, this signifies that the Court has formally prohibited young individuals and civil society members from submitting relevant information crucial to the Court’s deliberations, relying instead on the very States that have agreed to life-threatening temperature thresholds, contrary to the best scientific evidence.

Matheson shared, “There are mountains of evidence that nations worldwide have long promoted fossil fuel-based energy systems despite knowing that it can cause catastrophic climate change that disproportionately harms children. The exclusion of the youth voices represented by Our Children’s Trust—who have sued their governments in states and countries around the world—from the proceedings of this high Court, while affording a platform solely to those responsible for the harm, represents a grave failure of justice.”

The Court has the authority to broaden the scope of this process and allow submissions from parties beyond States and inter-governmental organizations deemed “likely to be able to furnish information on the questions submitted.” Expanding the scope of submissions would ensure the perspectives of young people are considered in this tremendously consequential Advisory Opinion proceeding.

The next step in these advisory proceedings is for States to submit their written comments on any written statements made by other nations or organizations by 24 June 2024.

Read the Amicus Brief [here](#).

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Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. www.ourchildrenstrust.org