

Plan 1.5

Kim Do-Hyun et al. v. Republic of Korea

Korean Youth Climate Litigation

JUN 6, 2023

Plan 1.5 | Sejong Youn



경향신문

2019년 9월 28일 토요일
제1049호

문 대통령 “검찰 수사관행도 개혁해야”

조국 장관 일가 수사 관련 첫 언급-합수석 변 ‘넙넙했다’ 판단
이양 “검찰 개혁에 대통령 나서” 비판-검찰 “법 절차 따라 수사”

문 대통령은 27일 “조국 장관 일가 수사 관련해서는 엄한 검찰 수사가 조국 장관 일가의 사생활 규명이나 조국 장관 일가의 불합당한 행위를 막기 위해 검찰 수사에 대한 개혁을 추진하겠다”고 밝혔다. 이양 “검찰 개혁에 대통령 나서” 비판-검찰 “법 절차 따라 수사”

문 대통령은 27일 “조국 장관 일가 수사 관련해서는 엄한 검찰 수사가 조국 장관 일가의 사생활 규명이나 조국 장관 일가의 불합당한 행위를 막기 위해 검찰 수사에 대한 개혁을 추진하겠다”고 밝혔다. 이양 “검찰 개혁에 대통령 나서” 비판-검찰 “법 절차 따라 수사”



기후위기를 막기 위해

86세대가 본 '우리'와 청년들이 본 '그들'의 세대 유감

86세대가 본 '우리'와 청년들이 본 '그들'의 세대 유감. 기후위기를 막기 위해... 86세대가 본 '우리'와 청년들이 본 '그들'의 세대 유감.



김도현 경기 용인대학교 학생. 이런 식으로 기후 위기 문제에 제대로 대응은 하지 않으면서

“기후위기, 지금이 비상사태다”... 기후위기를 막기 위해... “기후위기, 지금이 비상사태다”



김도현 경기 용인대학교 학생. 이런 식으로 기후 위기 문제에 제대로 대응은 하지 않으면서

인천 강화군 내 모든 돼지 살처분한다

강화서 돼지 폐사증상 확인, 전국 2차 5경-원, 확산 방지 위한 조치
연속 폐사 100여 마리 발생... 강화서 돼지 폐사증상 확인, 전국 2차 5경-원, 확산 방지 위한 조치

기후위기를 막기 위해

86세대가 본 '우리'와 청년들이 본 '그들'의 세대 유감... 기후위기를 막기 위해... 86세대가 본 '우리'와 청년들이 본 '그들'의 세대 유감.



문태리처럼... 청소년 600여 명 기후대책 호소 '결석 시위' 27일 서울 종로구 세종로공원에서 '기후를 위한 결석 시위'에 참가한 청소년들이 기후변화에 대응하기 위한 정부의 적극적인 대책 마련을 촉구하고 있다.

KOREA JOONGANG DAILY

SATURDAY-SUNDAY, SEPTEMBER 28-29, 2019 (Vol. 10496) Your window to Korea KOREAJOURNAL.COM

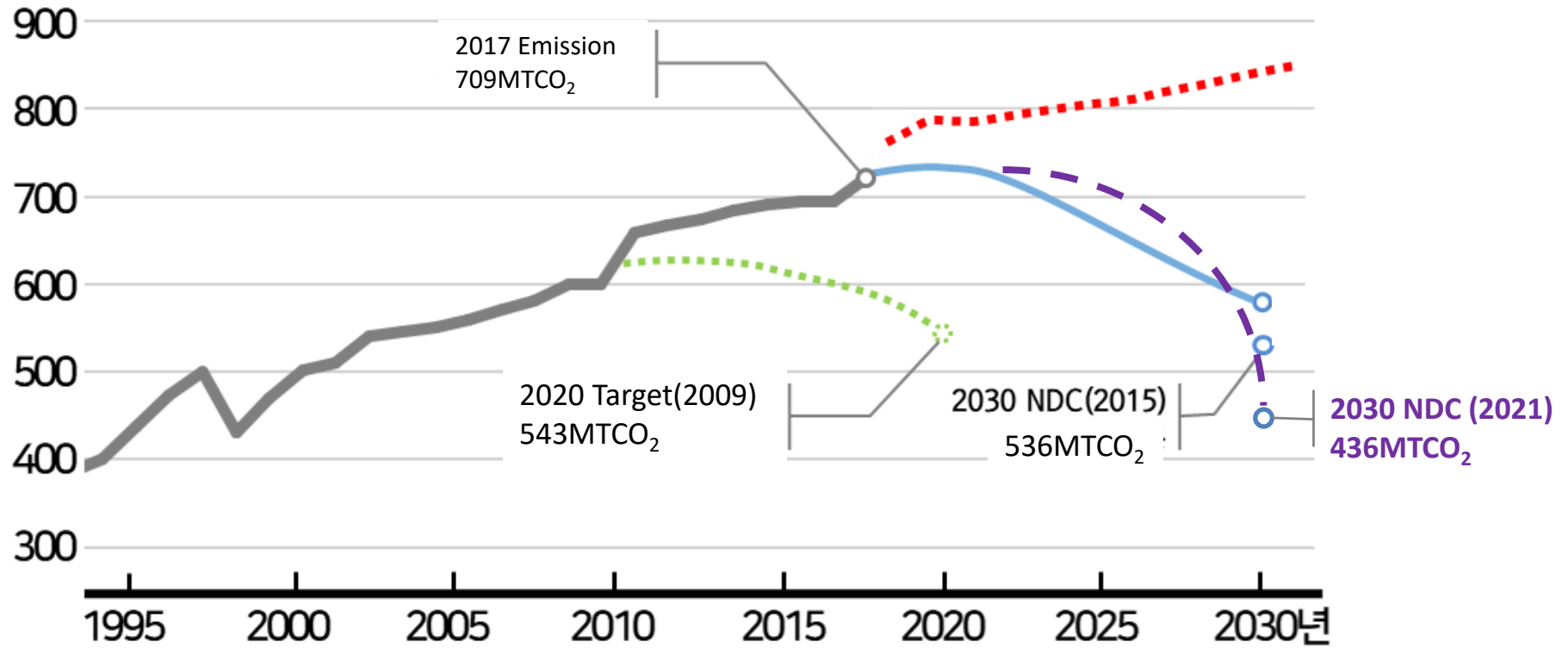
Reimagining the Joker was a serious challenge... Overseas investments hit another record high



Power of youth - Korean students take part in a rally in Yulgong Park, central Seoul, for better measures to combat climate change...



김유진 청소년. 그런데 내 주변 사람들은, 대부분의 시민들은 기후변화를 아는 거 같은데 그 누구도 행동하지 않는 거예요.





- Filed 13 Mar, 2020, currently pending
- “Framework Litigation”
- Constitutional Complaint
 - ✓ Unconstitutionality of the Law and the Presidential Decree
 - ✓ Claimed Constitutional Rights
 - Right to Life and Health
 - Right to Healthy Environment
 - Right to Pursue Happiness
 - Right to Equality

- Carbon Neutrality Act and Presidential Decree

Article 8 (National Mid- and Long-Term Greenhouse Gas Reduction Targets)

The Government shall set a national medium- and long-term greenhouse gas emission reduction target (hereinafter referred to as "mid-to long-term reduction target") to reduce national greenhouse gas emissions by a ratio prescribed by Presidential Decree to the extent of not less than 35 percent from the 2018 levels by 2030.

Article 3 (National Mid- and Long-Term Greenhouse Gases Reduction Targets)

"Ratio prescribed by Presidential Decree" in Article 8 (1) of the Act means 40 percent.

1. State's Failure to Protect Fundamental Rights

"When the Constitutional Court is faced with the question whether the State has fulfilled its duty of protection for environmental right, the Court will apply "minimum protection test" and decide whether the State has implemented appropriate and effective measure to provide at least minimum necessary protection for such right."

- Dec. 27. 2019, No. 2018HunMa730

2. State's infringement of Right to Equality

- arbitrary discrimination against one group from another

3. "Blank Delegation"

- No reasonable boundary set for the delegation of material matter

Q : Will climate change infringe the constitutional rights of the plaintiffs?

A : Yes, according to the Respondents' own words.



제1차 기후변화대응 기본계획

제2차 기후변화대응 기본계획

제2차 국가
기후변화
적응대책
| 2016-2020 |

2018년
이상기후 보고서

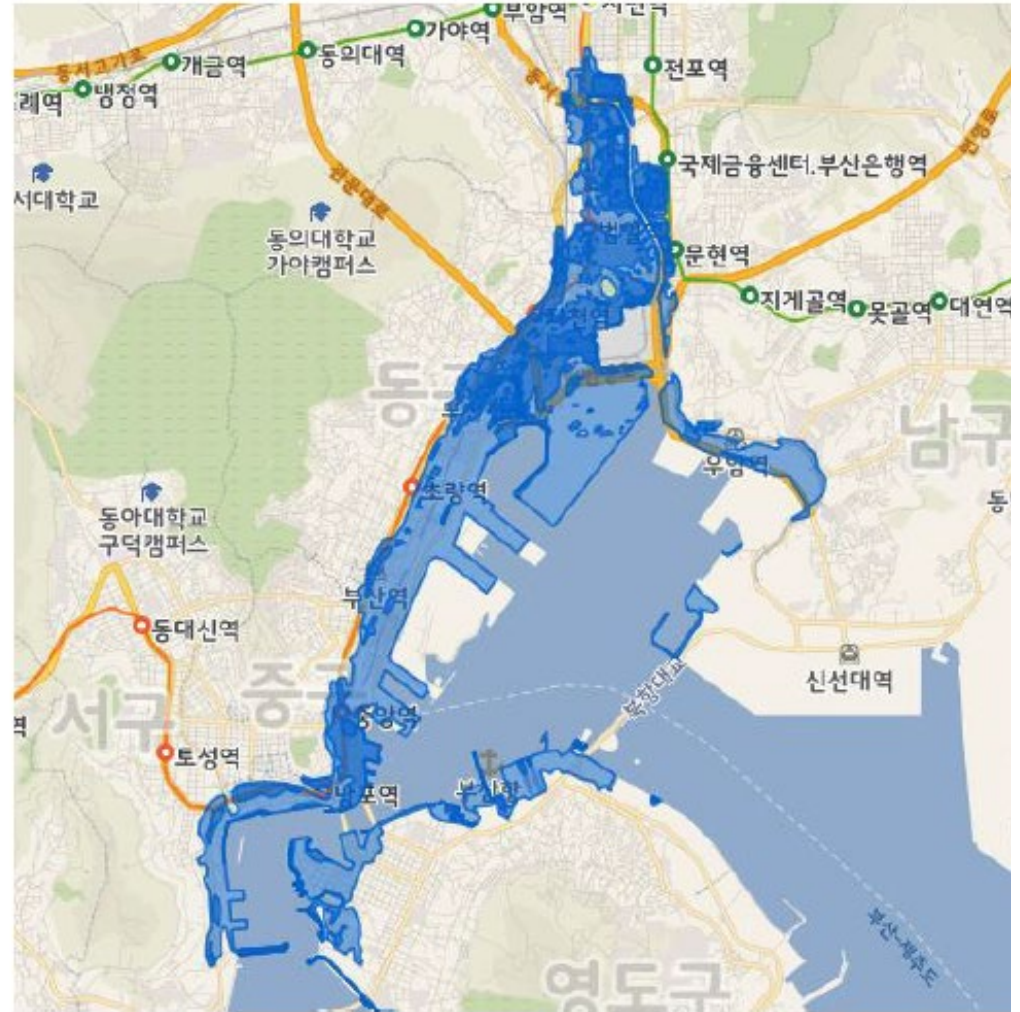
신기후체제 대비
한반도
기후변화
전망보고서

한국 기후변화
평가보고서 2020
- 기후변화 영향 및 적응 -

Busan



100-year flood map



- Korea Meteorological Administration predicts that there will be no ice during winter.

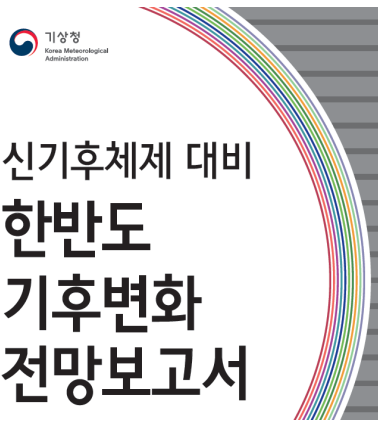


표 4.1 RCP2.6(RCP6.0)에 따른 한반도 21세기 기후변화 전망

폭염일수(일)	7.3	8.1	(8.7)	10.2	(11.4)	9.5	(17.2)
열대야일수(일)	2.8	4.4	(3.8)	7.1	(6.2)	6.2	(13.3)
여름일수(일)	96.4	112.8	(107.5)	120.4	(115.8)	118.2	(135.1)
한파일수(일)	16.9	6.0	(12.6)	6.5	(7.8)	5.2	(0.0)
결빙일수(일)	21.0	6.4	(13.9)	7.7	(8.8)	5.6	(0.0)
ICE DAYS							



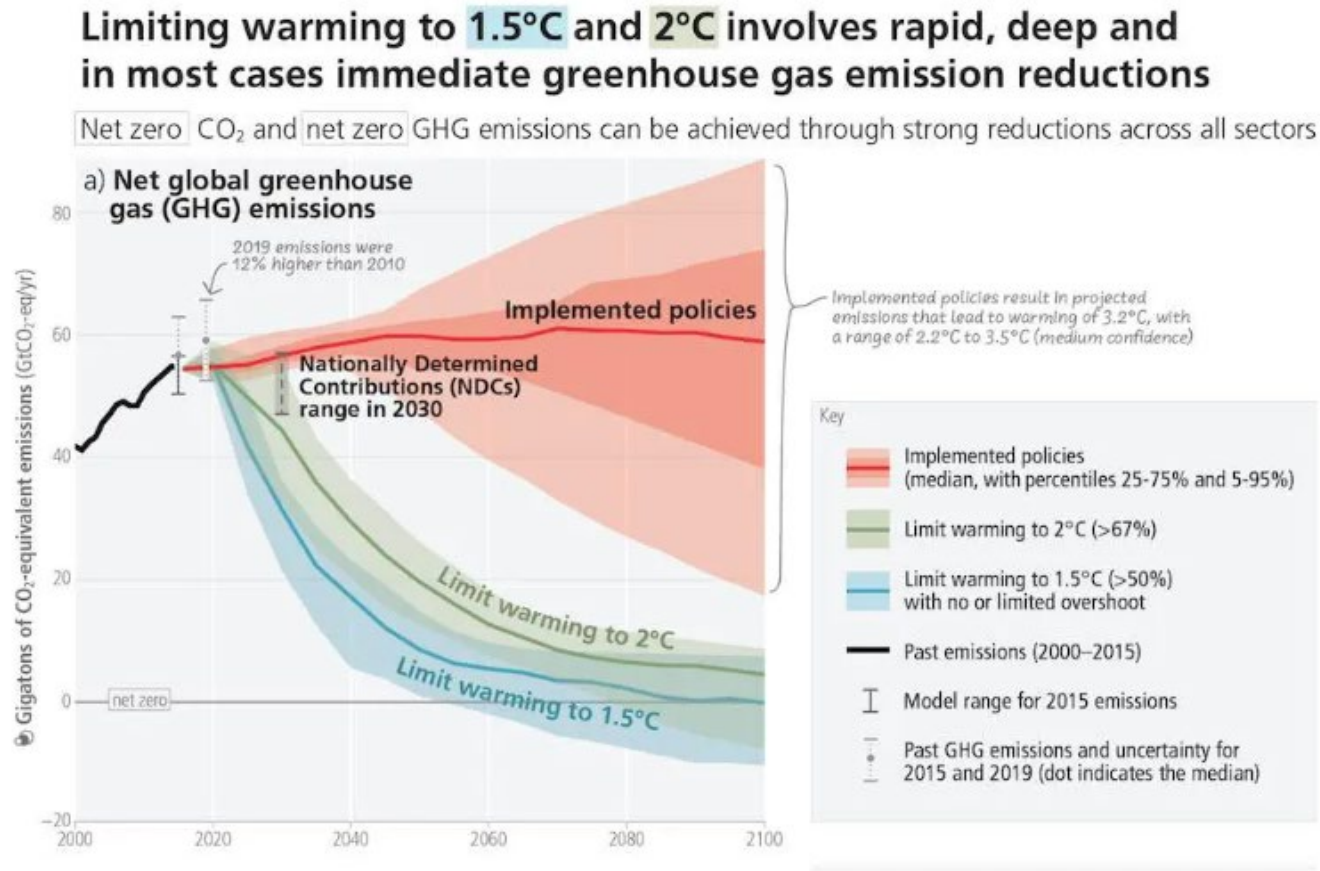
- STANDARD : The Paris Agreement Climate Goal

"well below 2°C"

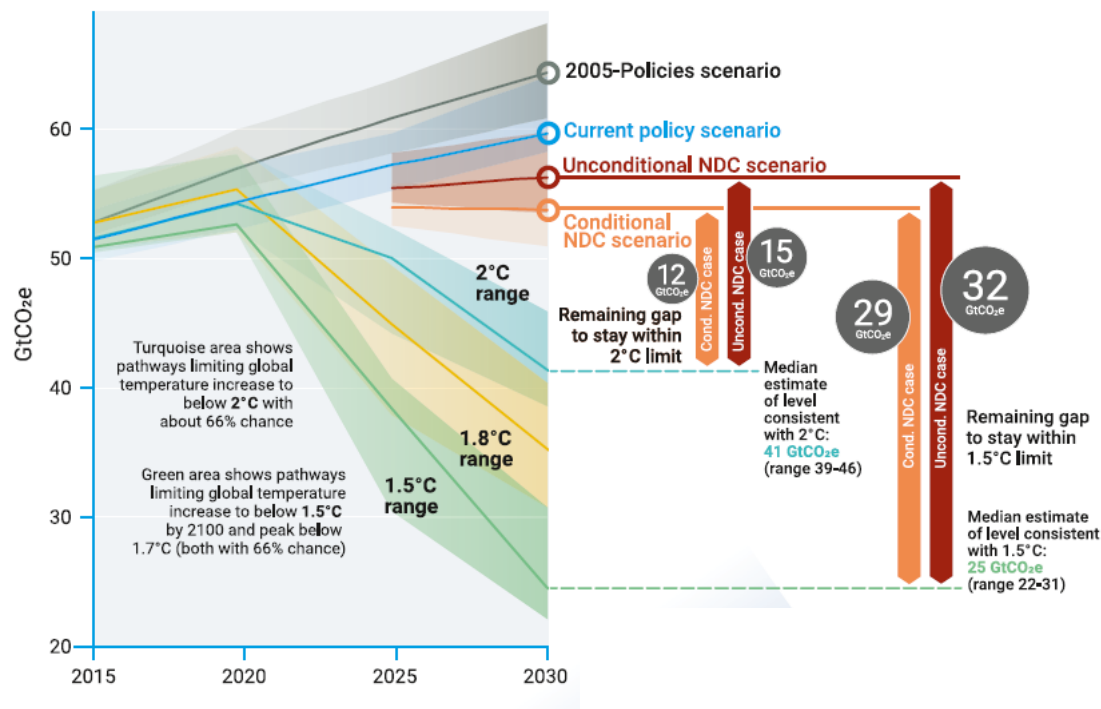
"pursuing efforts to limit to 1.5°C"

1. "well below 2" *definitely* means "not 2"
2. IPCC SR 1.5 and ensuing climate science clearly sets the level at 1.5
3. 1.5 goal has been reiterated in many international discussions including COP26 Decision.

- IPCC AR6 Global Reduction Pathway : 43% from 2019 levels



- UNEP Gap Report established that current NDCs are insufficient : **2.9°C** level

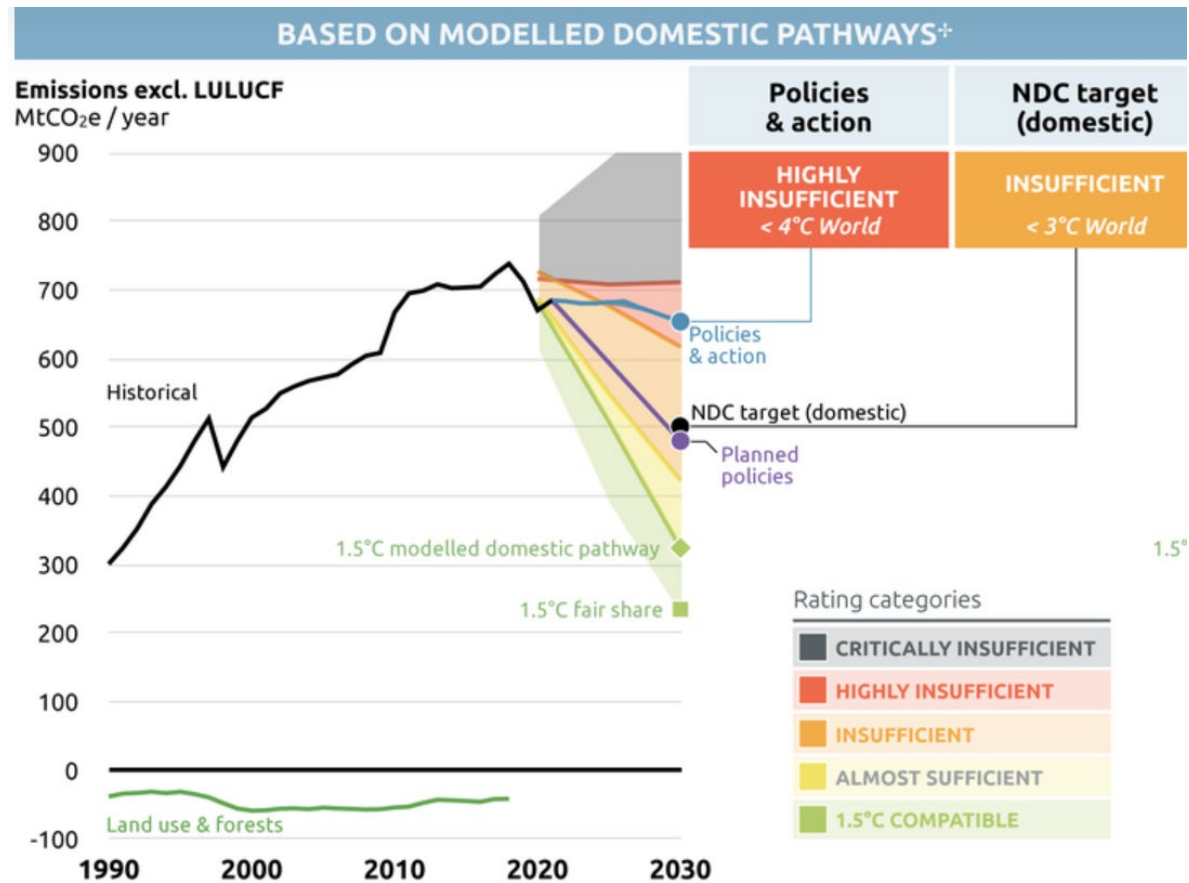


Legal Argument 1 : What is "required minimum"?

Plan 1.5

Country	Current NDC	Reduction from 2010 (2020 NDCs)	Reduction from 2010 (2023 NDCs)
Korea	2018 v. 40%	18%	29%
US	2005 v. 50-52%	31%	47%
EU (27 States)	1990 v. 55%	33%	48%
Germany	1990 v. 65%	20%	54%
UK	1990 v. 68%	21%	58%
Japan	2013 v. 46%	20%	42%
Australia	2005 v. 43%	28%	44%
Canada	2005 v. 40-45%	27%	37%
Iceland	1990 v. 55%	52%	64%
New Zealand	2005 v. 50%	26%	47%
Norway	1990 v. 50-55%	54%	54%
Switzerland	1990 v. 50%	51%	51%
Mexico	BAU 35%	-1%	11%
Turkiye	BAU 41%	-132%	-74%

- Climate Action Tracker : "Insufficient"



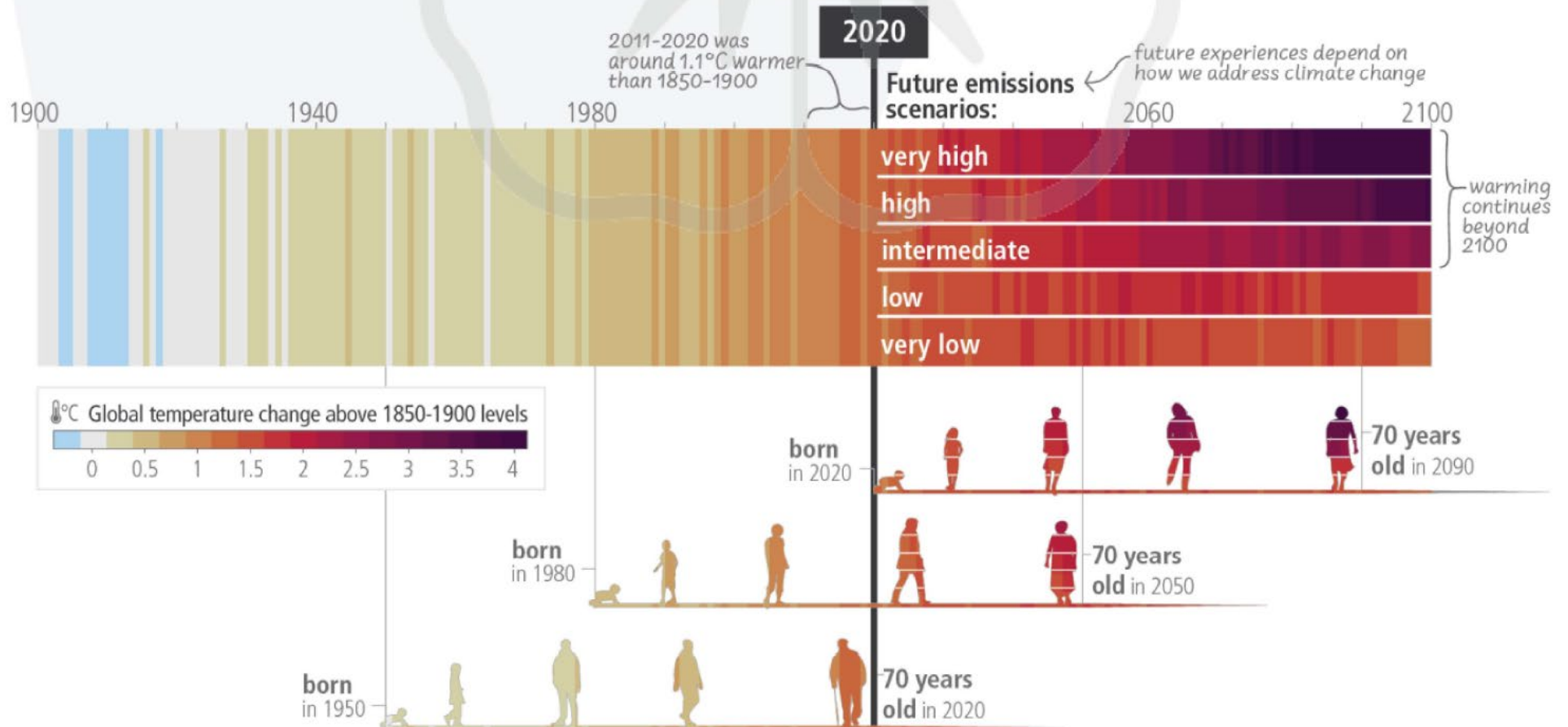
- Per Capita Carbon Budget Distribution
 - South Korea Population : 0.67%

Global Warming Between 1850–1900 and 2010–2019 (°C)		Historical Cumulative CO ₂ Emissions from 1850 to 2019 (GtCO ₂)					
1.07 (0.8–1.3; likely range)		2390 (± 240; likely range)					
Approximate global warming relative to 1850–1900 until temperature limit (°C) ^a	Additional global warming relative to 2010–2019 until temperature limit (°C)	Estimated remaining carbon budgets from the beginning of 2020 (GtCO ₂)					Variations in reductions in non-CO ₂ emissions ^c
		Likelihood of limiting global warming to temperature limit ^b					
		17%	33%	50%	67%	83%	
1.5	0.43	900	650	500	400	300	Higher or lower reductions in accompanying non-CO ₂ emissions can increase or decrease the values on the left by 220 GtCO ₂ or more
1.7	0.63	1450	1050	850	700	550	
2.0	0.93	2300	1700	1350	1150	900	

Depletion by 2026

Depletion by 2028

c) The extent to which current and future generations will experience a hotter and different world depends on choices now and in the near-term



- Discrimination?
 - ✓ (i) two discernible groups (ii) same nature (iii) different treatment (iv) with no justifiable grounds

	Future Generation	Current Generation
Impact of CC	LARGE	Small
Mitigation Burden	LARGE	Small
Mitigation Cost	LARGE	Small
Decision Making Power	No	Yes

- Defining “Future Generation”
 - ✓ Future Generation meaning “existing demographic group that will survive through longer period of time going forward”
 - ✓ i.e. younger generation
 - ✓ (Gov’t Reply)
 - ✓ The law and the policy makes no distinction between current and future generation
 - ✓ The comparison between current climate and “predicted future climate” cannot constitute discrimination because of its uncertainty

- Defining "Future Generation"
 - ✓ "Birth Cohort" Concept
 - Average Life Expectancy : 82 yrs
 - Post-2050 Life Expectancy : >30yrs v. <10yrs
 - ✓ Pushing the burden to the future is unreasonable
 - Increases the risk of missing the target
 - Less cost-effective
 - Results in undue / unrealistic burden to the future generation

- 2020. 3. 13. Complaint Filed
- 2020. 10. 29. Government Reply Filed
- 2020. 5. – 2023. 5. 8 Supplemental Brief Filed
 - Comparative law analysis : *Netherlands, Germany, Ireland, Hawai'i*
 - Climate Science : AR5, SR1.5, AR6, Emissions Gap Report
 - Amicus Brief : CIEL, Urgenda Foundation
- 2023. 8. National Human Rights Commission Opinion
- Public Hearing ? Decision ?
- 2035 NDC Discussion begins in 2024.