

**Make the Case:
how international law can help protect people from climate change**

A competition launched by:
Oxfam International,
The Climate Justice Programme, and
Advocates for International Development.

Why this competition?

Oxfam International's staff and partners work with poor communities in over 100 countries around the world, and they are increasingly witnessing the devastating effects of more frequent and severe climatic events on poor people's human rights to life, security, water, food, shelter and culture.

Climate change is creating an unprecedented challenge for the international community, and international institutions must rise to meet it. The current negotiations under the UNFCCC are a crucial route to getting an effective and fair approach to tackling climate change, but evolution in international law is likewise an important tool for providing affected people a means to defend their human rights.

In order to emphasize the international obligations of states, stimulate innovation and progress in international law addressing climate change, and to bring public attention to the urgency of the matter, Oxfam International, the Climate Justice Programme, and Advocates for International Development are together launching a climate law competition. We are calling on lawyers, academics and law students worldwide to put forward the strongest legal case possible to demonstrate that rich countries' greenhouse-gas emissions are violating the human rights of people in developing countries (see the competition question for more details below).

The competition will be judged by a panel of eminent international lawyers, drawn from backgrounds covering both international human rights law and environmental law. There are two categories for entries: one category for practising lawyers and academics, and another for law students, and this should be clearly marked on the submission. **Entries can be submitted in English, French, Spanish or Portuguese, and should be sent by email to climatechangecompetition@a4id.org by 31 December 2008.**

The winning entries in each category will be announced by the panel in March 2009. The top entry in each category will be announced and published on the websites of all three organizations, and the two winners will also each receive a £100 voucher for purchasing books or climate-friendly goods.

The Competition Question:

Algoria (an imaginary country) is a small, mid-latitude, developing country. With high mountain regions in the north, the majority of its population live in the mangrove-fringed fertile coastal plain to the south, mostly making their basic living from small-scale agriculture and fishing, benefiting from the glacier-fed rivers. Some progress has been made towards achieving the Millennium Development Goals, with notable reductions in cases of measles and maternal mortality. Significant expenditure is planned, with the help of international development assistance, to provide clean water and basic sanitation facilities for the 60% of the population with no access to them. But about 40% of the population still live on less than one US dollar a day, and over 25% of children under five are underweight.

Last week, you read an article in the Algoria Times reporting the Algorian Environment Minister as saying that, “We’re going to suffer massively from climate change. It’s already happening and undermining the human rights of our people. I blame the developed world. They’ve got to stop dragging their feet, reduce their emissions and pay up for their past profligacy. If they can’t come up with a fair negotiated deal at the UN by the end of 2009, we should take them to court instead to make them do it.”

This morning, to your surprise, you receive a phone call from the Environment Minister herself. She tells you that she has been reading the Intergovernmental Panel on Climate Change’s Fourth Assessment Report and is deeply concerned about its implications for Algoria. She has noted, for example, that most of the observed increase in global average temperatures since the mid-20th century is due to anthropogenic greenhouse gas concentrations, and that continued greenhouse gas emissions at or above current rates would cause further warming and induce many changes in the global climate system during the 21st century that would very likely be larger than those observed so far.

She is particularly concerned to learn, as regards possible current impacts, that the Panel has high confidence that: climate change is already strongly affecting many aspects of systems related to snow, ice and frozen ground; there is emerging evidence of current changes in hydrological systems, water resources and coastal zones; the effects of sea level rise, enhanced wave heights, and intensification of storms have already been found in some coastal regions; and that sea level rise is contributing to mangrove losses.

As regards possible future impacts, she tells you that she is cautiously relieved to learn the Panel had medium confidence that in mid-latitude regions, moderate warming would benefit crop and pasture yields. But she is concerned about its finding, with high confidence, that projected changes in the frequency and severity of extreme climate events such as heat stress, droughts and floods, would have significant consequences for food and forestry production, and food security. She is also concerned about the Panel’s finding with high confidence that smallholder and subsistence farmers, pastoralists and artisanal fisherfolk – groups with constrained adaptive capacity and high vulnerability to extreme events - will suffer complex, localised impacts, as well as the longer-term, negative impacts of other climate-related processes, such as snow-pack decrease, sea

level rise, and spread in the prevalence of human diseases affecting agricultural labour supply. “This potentially spells disaster for Algeria”, she continues agitatedly, “It threatens to set back our national development by decades. So I need you to tell me how international law can help protect us”.

“By all means” you reply, “But who do you want to take to court?”

“You tell me. If it’s data you need, check out, for example, the World Resources Institute’s Climate Analysis Indicators Tool¹ or the US government’s Department of Energy’s data². You might find the MATCH group’s work³ helpful as well.”

She asks you to consider whether international law (including customary, human rights and other treaty law) obliges any State(s) to reduce their greenhouse gas emissions, and to pay compensation for the adverse impacts of climate change to Algeria and/or its citizens and businesses; and, if so, **to draft the initiating complaint, petition or submission** for the existing international forum of your choice.

The complaint (etc.) should:

- (1) identify the plaintiffs, which may be the State of Algeria, and/or any of its citizen(s) or other groups, whom you consider could have a valid cause of action under international law;
- (2) identify the defendant State(s), which should be an actual State or actual States;
- (3) specify the remedy or remedies sought; and
- (4) set out the arguments for any of these obligations that you consider are enforceable before that forum.

Your complaint (etc.) should not exceed 3,500 words. If you wish, you may also provide a short explanation of your reasoning in an accompanying explanatory note, not exceeding 500 words.

END.

¹ <http://cait.wri.org/>

² http://cdiac.ornl.gov/trends/emis/meth_reg.html

³ <http://www.match-info.net/>