

# It's Kids vs. the World in a Landmark Climate Complaint



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Photo: Mark Lennihan (AP)

**UNITED NATIONS**—On Monday, Greta Thunberg and 15 other young people filed a potentially world-changing climate complaint. On an abnormally steamy day in New York, when sweat built on the brows of the dark-suited diplomats funneling into the United Nations for a major climate summit, the group of teens cranked up the heat even further.

They announced that they're suing five of the world's major carbon polluters on the grounds that the countries are violating their rights as children. If the suit is successful, the United Nations would classify the climate crisis as a children's rights crisis. And more importantly, it would compel Argentina, Brazil, France, Germany, and Turkey—the five countries named in the suit—to work with other nations to forge binding emissions' reduction targets, a sharp change from current international efforts that have so far basically rearranged the deck chairs on the Titanic.

"This is all wrong, I shouldn't be up here," Thunberg said, addressing the General Assembly and shaking with rage. "I should be back in school on the other side of the ocean. You have stolen my dreams, my childhood with your empty words. We will not let you get away with this. Right here, right now is where we

draw the line.”

The youth climate activism movement has over the past year exploded prior notions of what’s possible in the realm of climate politics. Greta Thunberg’s solitary strike outside the Swedish parliament every Friday starting last August has spawned a global movement. This past Friday, an estimated 4 million young adults and their supporters took to the streets around the world to demand climate action.

“Young people above all—young people are providing solutions, insisting on accountability, and demanding urgent action,” UN Secretary-General António Guterres said opening the Climate Action Summit. “They are right.”

“We will rise to the challenge, we will hold those who are the most responsible for this crisis accountable, and we will make the world leaders act,” Thunberg prophetically intoned at the New York strike on Friday. “We can and we will.”

The suit, filed on behalf of the youth by the international law firm Hausfeld, contends that world governments are violating children’s rights under the UN Convention on the Rights of the Child. The convention drafted in 1989 is the most-signed human rights treaty ever crafted and lays out the inalienable rights of children. They include among others, the right to life, health, and peace, all with special stipulations for indigenous groups. They’re also all things climate change is upending. There’s ample evidence climate change is already making kids and adults sick, killing them, and uprooting their lives.

*“Sometimes in my mind I just see Ebeye sinking and a lot of people drowning.”*

“This complaint involves young people holding their guardians, us adults, to account for failing

in our ‘duty of care,’” Kirsten Davies, an international law expert at Macquarie University’s Law School in Sydney, told Earther in an email.

Alexandria Villaseñor, one of the plaintiffs and leaders of the U.S. climate strike movement, told Earther that she came to climate activism after a cloud of toxic smoke from last year’s Camp Fire descended on Davis, California, while she was visiting family. She had to end her visit early, and she left a changed person. She’s been on strike outside the UN for 41 weeks and counting.

“I decided to be part of this case because after students have been striking we still haven’t gotten the sufficient action we need,” she told Earther. “So we are going to the next step.”

Each of the 16 plaintiffs on the complaint has dealt with the stifling impacts of climate change. Ayakha Melithafa, a 17-year-old from Cape Town, had to leave with the fear of running out of water during the city’s climate change-fueled drought. Debbie Adegbile, a 12-year-old from Lagos, Nigeria, has seen her asthma become worse during increasingly severe heat waves, one of the clearest climate indicators, as well as more intense floods and risk of waterborne diseases. In a brief provided to reporters, many of the young people—all of whom are under the age of 18—used words like “scared,” “sad,” and “angry” to describe their feelings about climate change and the hellscape it’s creating.

“Sometimes in my mind I just see Ebeye sinking and a lot of people drowning,” Ranton Anjain, a plaintiff from the low-lying Marshall Islands, said in a statement. Ebeye, which measures just 80 acres, has an estimated population of 15,000, most of whom are under the age of 18.

“Our homes are being swallowed by the ocean,

the places where memories are made,” Carlos Manual, a 17 year old from Palau, said at a press conference announcing the suit. “I am standing in front of you because I care about my generation.”

The teenagers are from all over the world, including four of the five countries named in the suit. Their complaint reflects the fact that the atmosphere has no borders. Carbon pollution from the human-ignited fires in Brazil changes the climate just as much as coal plant emissions in Turkey. What the five countries all have in common is that they’re part of a group of 51 nations that have signed what’s called the third Optional Protocol of the convention. That protocol allows children from anywhere around the world to file a suit against the nations that have signed onto the protocol. The complaint filed on Monday will now be heard by a committee of 18 international experts on children’s rights. Juliane Kippenberg, the associate director of Human Rights Watch’s children’s rights division, told Earther the suit uses a mechanism that has only been around since 2014 and “has not received that much attention yet” for climate relief.

If the committee finds that climate change is impeding the 16 plaintiffs’ rights, then the five countries named in the suit must either exit the convention or take the radical action needed to address climate change.

Davies said the case would likely be “successful,” but it also illustrates the inherent weakness of international laws, many of which were drafted before the severity of the climate crisis became clear.

“The problem with most of the instruments under international law, such as the Convention on the Rights of the Child, is that they were drafted prior to science affirming the threats posed by climate change,” she said. “Therefore, the challenges presented by climate change to

the law are needing to be ‘retrofitted’ in to legal frameworks that have not been drafted for this purpose.”

The world’s best available science shows that to preserve a climate somewhat recognizable to the one that’s allowed humans to thrive, governments need to rapidly wind down their emissions. The fate of millions of children and unborn generations hangs in the balance, and how fast the globe cuts carbon emissions will decide their fate. Yet despite pledges to the Paris Agreement, carbon emissions rose globally last year.

Children have sued the government in the U.S. under a landmark case known as *Juliana v. United States* that’s been wending its way through federal courts for years. Sébastien Duyck, a senior attorney at the Center for Environmental Law, pointed to a case filed by Torres Strait Islanders against Australia earlier this year as another precedent. The low-lying islands they live on are being consumed by rising seas, and they filed an international human rights case against Australia for failing to reduce its emissions. Take those two cases and mash them together, and you have a rough approximation of the new case brought by Thunberg and her fellow plaintiffs.

“These cases help expose the hypocrisy of countries that claim to be fully committed to the realization of human rights yet undermine these rights through their absence of sufficient action to tackle climate change,” Duyck told Earther in an email.

If the case succeeds, it could set new precedents in international law. Though the five countries account for 6.12 percent of the world’s total carbon emissions, the executive summary of the complaint says that the kids are asking them to “immediately engage with other States in

binding international cooperation to mitigate the climate crisis.” That could (and should) include other countries not named in the complaint.

The world has a checkered history with climate treaties. The Kyoto Protocol, a treaty laid out in 1997, was binding and, as a result, the U.S. backed out of signing it. The treaty was largely a failure. In an effort to bring the U.S. on board, the more recent Paris Agreement is non-binding. That still hasn’t stopped President Trump from trying to leave it, and so far, the treaty has proved to be more words than actual actions. And the commitments nations have made to reduce carbon pollution are nowhere near enough to avert catastrophic climate change.

But just because governments are failing doesn’t mean citizens have to take it lying down. If the strikes have been the beginning of a new era of climate action, the complaint opens up ever greater possibilities.

“As the human rights impacts of climate change are increasingly affecting people around the world,” Duyck said, “one can only expect that more individuals seeking to protect the rights of their communities will seek to hold states accountable for their (in)action—including through the use of international human rights bodies.”

*Clarification: A previous version of this article referred to the legal complaint as a lawsuit. To better reflect the context of the UN protocol, we’ve updated the headline and language in the article to refer to the filing as a complaint.*