

Plan 1.5

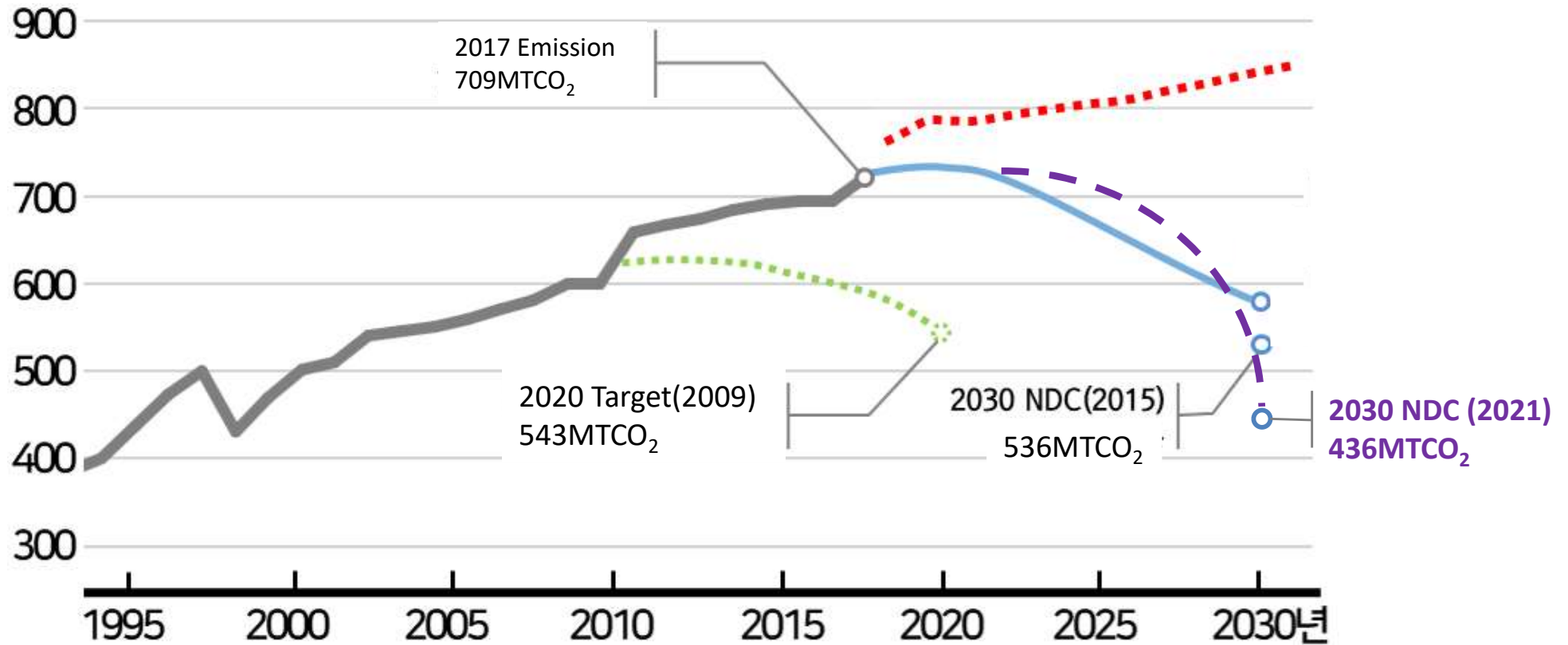
Kim Do-Hyun et al. v. Republic of Korea

Korean Youth Climate Litigation

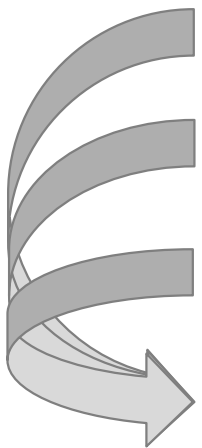
JUN 6, 2023

Plan 1.5 | Sejong Youn





- 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



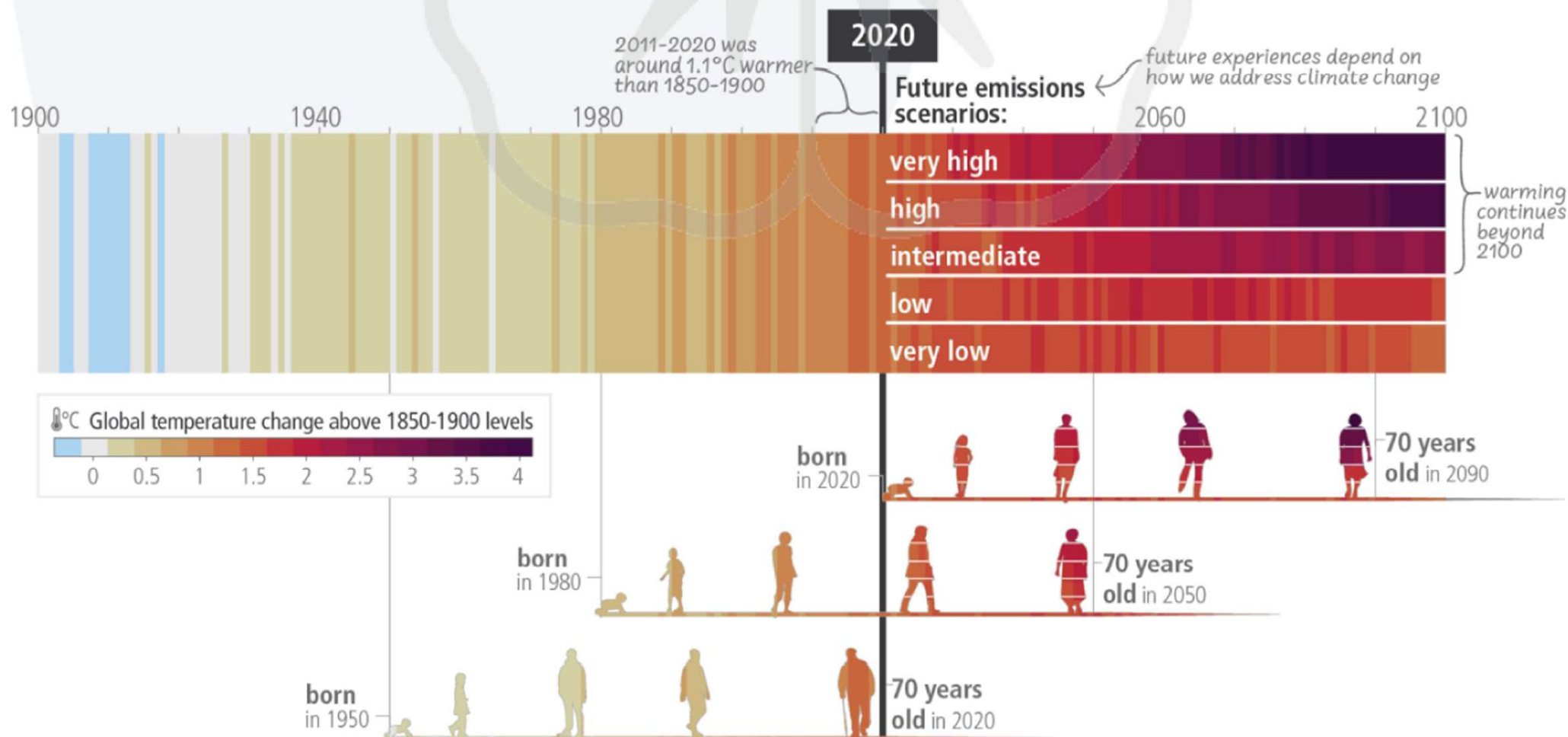
- Discrimination?
 - ✓ (i) two discernible groups (ii) same nature (iii) different treatment (iv) with no justifiable grounds

	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

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



- Legal Basis
 - ✓ Constitution : Preamble
 - We, the people of Korea, [...] to ensure security, liberty and happiness for ourselves and our posterity [...]
 - ✓ Carbon Neutrality Act
 - Art. 3 (Basic Principles)
 1. It shall be based on the principle of intergenerational equality that the current generation is responsible for ensuring the survival of future generations and the principle of sustainable development;