

Legal Experts Release Oslo Principles on Global Climate Change Obligations

FOR IMMEDIATE RELEASE: March 30, 2015 FOR MORE INFORMATION, CONTACT:

Thomas Pogge: email – thomas.pogge@yale.edu

Jaap Spier: email – j.spier@hogeraad.nl

Michael Gerrard: phone – 1 212 854 3287; email – michael.gerrard@law.columbia.edu

London, United Kingdom —Today, a group of legal experts from around the world will announce the Oslo Principles on Global Climate Change Obligations, which set out states' legal obligations to constrain climate change. Comprised of experts in international, environmental, tort, and human rights law, the group met over a period of several years to formulate the Principles in response to the threat climate change poses to humankind, other life, and global security and well-being.

The Oslo Principles both define the scope of states' legal obligations to protect the environment and outline a means of meeting these obligations. The group adopted the Oslo Principles on March 1, 2015, and four of its members will present them to the public today at The Dickson Poon School of Law, King's College London.

"These principles underscore that states have moral and legal duties to take action to avert the destructive effects of climate change," said Thomas Pogge, Leitner Professor of Philosophy and International Affairs at Yale and the Director of Yale's Global Justice Program.

Current international debate about the climate often turns on whether states are legally required to address the threat of climate change. The Expert Group on Global Climate Obligations found that states are bound by existing international law to assess the environmental impact of their activities and to take measures to prevent the destructive effects of climate change.

"So long as there are no international agreements imposing clear requirements or strong, explicitly applicable national laws, judges may find it difficult to discern the legal obligations of states," said Hon. Michael Kirby, retired Justice, High Court of Australia, a member of the expert group. "The Oslo Principles offer judges clear and well-supported legal criteria for making such decisions."

"International law already recognizes state responsibility for trans-boundary effects that activities in a state have on other states," said Jaap Spier, Advocate General at the Supreme Court of the Netherlands and rapporteur for the Expert Group. "The Oslo Principles are essentially applying this framework to climate change by drawing on obligations that clearly exist in environmental law, human rights law and tort law."

The Principles center on states' obligation to reduce per capita greenhouse gas emissions to the extent they are above a defined permissible level. Thus, the wealthy countries carry the primary reduction burden. The Principles require all states to realize any reductions that can be achieved at no cost. Furthermore, they articulate developed countries' duty to provide least developed countries with the financial and technical means they need to reduce their emissions when the necessary measures would incur costs.

"Communities in the most vulnerable areas will tend to suffer the effects of climate change acutely," said group member James Silk, Clinical Professor of Law and Director of the Schell Center for International Human Rights at Yale Law School. "States should put vulnerable communities at the heart of climate change policy."

"Ultimately these principles underscore that all states should negotiate in good faith to achieve agreements and should adopt domestic laws that, taken together, would keep the world below the critical two-degree Celsius increase in global temperature," said Michael Gerrard, Andrew Sabin Professor of Professional Practice and Director of the Sabin Center for Climate Change Law at Columbia Law School.

The complete text of the Oslo Principles is available [here](#). The detailed commentary elaborating on them and identifying their underlying sources of law can be found [here](#). Both are posted on the website of Yale University's Global Justice Program.

The members of the expert group are:

Justice Antonio Benjamin (National High Court of Brazil)

Prof. Michael Gerrard (Columbia Law School)

Toon Huydecoper (retired Advocate-General, Supreme Court of the Netherlands)

The Hon. Michael Kirby (retired Justice, High Court of Australia)

M C Mehta (public interest attorney before the Supreme Court of India)

Prof. Thomas Pogge (Yale University, King's College London and University of Oslo)

Prof. Tianbao Qin (Wuhan Law School)

Prof. Dinah Shelton (George Washington Law School; former President of the Inter-American Commission on Human Rights)

Prof. James Silk (Yale Law School)

Jessica Simor QC (Barrister, Matrix Chamber, London)

Prof. Jaap Spier (Advocate-General, Supreme Court of the Netherlands; University Maastricht)

Judge Elisabeth Steiner, European Court of Human Rights

Prof. Philip Sutherland (Stellenbosch University Faculty of Law)

The members participated in their individual capacities; affiliations are given for identification purposes only.