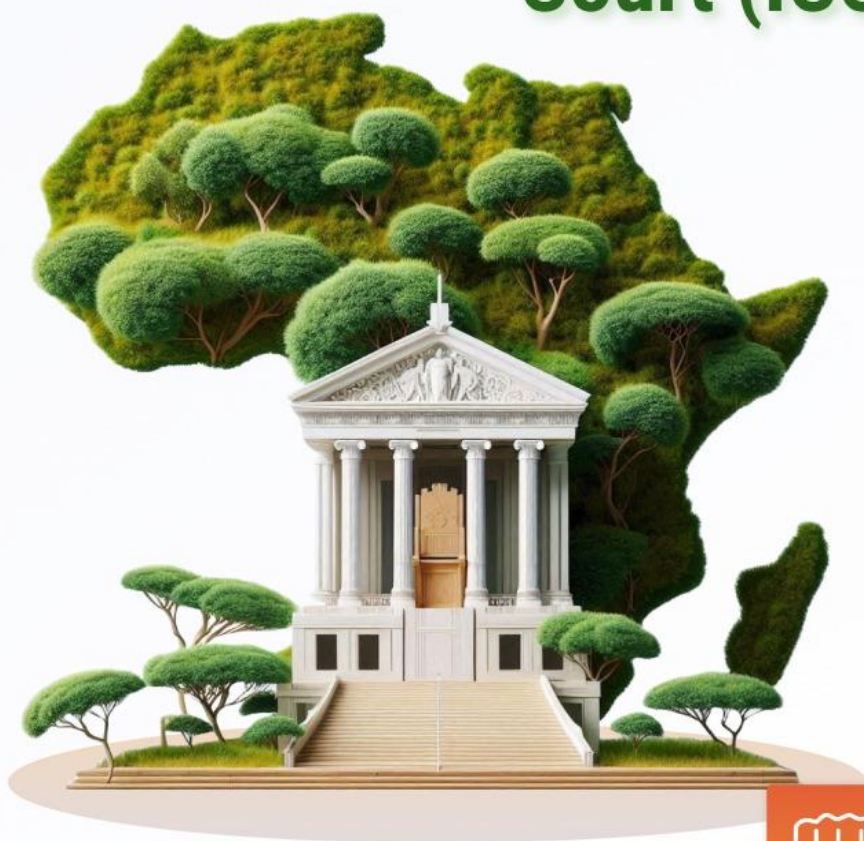


SABINE NDZENGUE AMOA

Facing the challenge of climate change in Africa: the International Climate Court (ICC)



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Facing the challenge of climate
change in Africa: The
International Climate Court (ICC)
/ Cour Internationale pour le
Climat (CIC)



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WARNING

This publication is a proposal made to decision-makers and other organizations on the need to adopt an “International Convention for the Climate and Responsibility for Greenhouse Gas Emissions” (ICCREGGE).

The International Convention (ICCREGGE) will establish the International Climate Court (ICC); so that reparations for the consequences of greenhouse gas emissions suffered by various countries can be effectively implemented.



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Acronyms and abbreviations

IAEA	International Atomic Energy Agency
ASEAN	Association of Southeast Asian Nations
ASPROBIO AGM	Association pour la protection de la biodiversité et adoption de gestes marqueurs
ECHR	European court of human rights
ECHR	European Convention for the Protection of Human Rights
CESE	Conseil Economique, social et environnemental

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ICC	International Climate Court
ICCREGGE	International Climate Convention and responsibility for greenhouse gas emissions
ICJ	International Court of Justice
IHR Court	Inter-American Court of Human Rights (IHR Court)
IPC	International Penal Court
JAE	Jeunesse africaine pour l'environnement
Mn	Minutes
NIMBY	<i>not in my backyard</i>
OECD	Organisation for Economic Co-operation and Development

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OAS	Organization of American States
POP	Persistent organic pollutants
PPSS	Posco Pratirodh Sangram Samiti
RIES	Revue internationale environnementale semestrielle

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INTRODUCTION

How to respond to the challenge of climate change in Africa?

Can the international climate court (CIC) make its contribution?

The International Climate Convention and Responsibility for Greenhouse Gas Emissions (ICCREGGE)*¹ aims to guarantee real compensation for the consequences of greenhouse gas emissions within the 146*² Signatory States.

It is not a proposal submitted by the European Union; neither the African Union; nor the Organization of American States (OAS); nor the Association of Southeast Asian Nations

¹ - * The International Convention for Climate and Responsibility for Greenhouse Gas Emissions (ICCREGGE) does not yet exist. This is a proposition defended by the author.

² -* The number 146 was taken randomly.

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(ASEAN).... But the treaty provides that they adhere to it.

Article 'X' of the International Convention on Climate Change and Responsibility for Greenhouse Gas Emissions (ICCREGGE) provides that in order “to ensure compliance with the commitments resulting for the High Contracting Parties from this Convention and of its protocols, an International Climate Court (ICC) is established³”.

The International Climate Court (ICC) is the international organization that ensures compliance with the Convention.

The International Climate Court (ICC) sits at 'Y'. This could be the description of the International Climate Court (ICC) if:

- ✓ The awareness that prevailed at the time of the creation of the European Court of Human Rights (ECHR) and various other courts also takes precedence in the face of

³ -* The International Climate Court (ICC) does not yet exist. This is a cause defended by the author.

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responsibilities resulting from greenhouse
gas emissions.

How can we effectively repair environmental
damage in Africa, as well as in small island
developing states?

Africa and small island developing states need
an international judge for the environment, for
the climate.

A local judge; would national be enough? No.
Environmental degradation in Africa and small
island developing states are not «local
epiphenomena» of global environmental
degradation that must be judged by a local
judge.

Climatic and environmental degradation in
Africa and in small island developing States is
an international phenomenon with diverse
international origins.

An international judge to implement this
environmental justice is necessary.

It's a truism that can scare some people.

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Because; who says justice; says: that there is an accused and a guilty person. Who says justice, says responsibilities.

Person; no entity; whether a person or company no longer wishes to be considered as a guilty during a trial.

However, responsibilities are required regarding greenhouse gas emissions, environmental degradation among others.

The polluter pays principle, adopted by the OECD in 1972, is based on the fact that the costs resulting from measures to prevent, reduce and combat pollution must be borne by the polluter.⁴ Polluters must assume all costs inherent to the pollution generated; particularly those concerning excessive greenhouse gas emissions.

⁴-<http://geoconfluences.ens-lyon.fr/glossaire/principe-pollueur-payeur-ppp-principe-de-responsabilite>

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Facing the challenge of climate change in Africa: The International Climate Court (ICC)

How to respond to the challenge of climate change in Africa? Can the international climate court (ICC) make its contribution?

This work raises the need to create an ICC (International Climate Court) in order to repair and reduce the environmental inequalities suffered by Africa, as well as small island developing States, which, by their geographical location and their level of development, are harmed or especially affected by the harmful effects of climate change. The proliferation of cases before the ECHR, the I/A Court H.R, because the exercise of certain rights guaranteed by the Conventions can be compromised by environmental degradation and exposure to environmental risks shows the obvious need of an ICC (International Climate Court) to reduce environmental inequalities.

Sabine Ndzengue Amoa is a legal consultant, trainer, speaker specializing in environmental law, health law, public law

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