



Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet

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BOOK REVIEW

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Tom Kerns is the Founder/Director of Environment and Human Rights Advisory and Professor Emeritus of Philosophy at North Seattle College in the United States of America. His work brings human rights norms to bear on environmental issues, especially in the context of the climate crisis. In 2015 he served on the drafting group for the international Declaration on Human Rights and Climate Change for the Global Network for Human Rights and the Environment, and in 2018 he co-organised the Permanent Peoples' Tribunal Session on Human Rights, Fracking and Climate Change. Dr Kerns was an integral part of this tribunal's inquiry process, in which over 200 witnesses and their attorneys from seven nations on five continents brought powerful human rights testimony and arguments to bear on fracking and climate change. He is the author of a number of books including, as co-editor with Kathleen Dean Moore, *Bearing Witness: The Human Rights Case Against Fracking and Climate Change* published by Oregon State University Press in 2021 is the latest offering from Dr Kerns: *Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet*.

The concept of youth climate courts developed out of four participatory international human rights tribunals held in the United States and Australia in May 2018, to investigate human rights violations caused by fracking and climate change. The tribunals were held leading up to the week-long plenary session of the international Permanent Peoples' Tribunal held also in 2018. Youth climate courts can inspire intergenerational climate action undertaken by young people and can be used as an educational tool to encourage public and corporate accountability for climate misfeasance and nonfeasance.

Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet is a small but powerful guide for young people to use as one way to encourage their local city or regional governments to account for their human rights obligations, formally acknowledge the climate crisis and its impacts on a range of human rights and take steps to address it. This is the first practical guidebook to support and inspire intergenerational climate action written especially for young people.

Through the book's step-by-step process, youth climate leaders can establish their own local youth climate court to encourage the participation of their respective local city or regional government for failing to meet its human rights obligations through the medium of an adversarial process. All of the key positions in the court are held by youths. This includes judges, lawyers, jury members and those supporting the process through organisational or media roles. Dr Kerns describes in detail how a

youth climate court works and the steps to establish it. The range of appropriate human rights in a climate context and what is required of local governments are also approached in an accessible way. The book also ponders the question of the type of reforms to public law and policy that are needed for youth climate courts to realistically achieve outcomes to positively protect the future of the Earth and its inhabitants.

The introduction clearly sets out the contextual history of the Permanent Peoples' Tribunal on Human Rights, Fracking and Climate Change, its important work and its powerful advisory opinion which was the spark for this initiative. The youth climate court model also grew from the deep concern held by Dr Kerns for the well-being of young people and the frustration of many with the challenge of doing something to make a difference to the projected disasters inflicted by the climate crisis on people and planet. Moreover, a question raised in Madrid during the Conference of the Parties 25 climate summit was 'How do we empower young people in climate activism?' The youth climate courts described in this book offer one clear and powerful way to 'empower youth leaders to grab the reins, [to] speak their truth out loud and to effectively exercise the formidable power they are now discovering they have' (4).

Chapter 1 describes each of the steps for creating such a court as well as how a local government body can be made accountable for its poor climate action or lack of action. It sets out how the court will request the presence of leaders of the government to appear before the youth court to explain and defend themselves against claims of failure to adequately protect the human and constitutional rights of its citizens, especially of children. It describes how the young judge will call the court to order at the hearing; then the young lawyers acting on behalf of the young people will argue that the local or regional government has failed to meet its moral and/or legal obligations to protect the rights of its citizens, and may call witnesses to support those arguments. The government legal representative may argue that the government has taken effective measures to prepare for and protect against the effects of climate change and to protect the rights of its citizens. Alternatively, the government representative may simply acknowledge that the government has not done enough yet. After both sides have completed their arguments, the youth jury retires to discuss what it has heard and deliver its verdict. Chapter 1 also describes the range of orders for the judgement, including those actions required of the government involved in the hearing.

Chapter 2 defines human rights in an international law context and explains why they are guided by such important and powerful legal and ethical norms. This section uses clear, concise and accessible language to suit the audience. It also explains why governments are obliged to respect, and fulfil their duty to protect, human rights for their citizens, as a central core and legal grounding for these youth climate court hearings.

Chapter 3 describes a number of specific human rights norms subject to risk from the climate crisis. These targeted human rights may be used by the participants of youth climate courts when preparing their arguments. This chapter describes the elements of each of those rights, the way in which each right is relevant to the climate crisis, and the source for the legal expression of each human rights declaration.

Some final thoughts and hopes are expressed in the section entitled 'Coda' at the end of the book. Dr Kerns reflects that:

[t]he young people who organize these Youth Climate Court trials are performing an intervention on behalf of the people, communities and planet they love. The local

governments in these communities may already realize that they need to make big changes, but those changes have in the past felt far too challenging to enact. Governments, like people, can sometimes just get stuck and find themselves unable to imagine any realistic futures or any workable way forward. In today's climate crisis, Youth Climate Court interventions can provide that extra measure of moral force a government needs to make the changes it has not, until now, known how to do It will be essential that elected officials encourage and give full respect to the young organizers and to the well-meaning intervention work they are struggling to accomplish. Smart elected officials will recognize right away how truly valuable these Youth Climate Courts can be and will welcome them and their organizers as allies in the hard work of governing in our desperately climate challenged world. (93–94)

At the conclusion of the text, a number of appendices reproduce key documents including the Declaration on Human Rights and Climate Change of 2016, 'The Restorative Justice Only option', 'A note on Rights of Nature' and 'Measures that local governments should consider including in their Climate Action Plans'. The final appendix provides some valuable tips to avoid some perceived traps for organisers of youth climate courts, such as dealing with the pressures applied by detractors.

This highly recommended book offers hope and guidance for young people through an innovative, user-friendly, low-cost, barrier-free, powerful tool to encourage and support governments at local and regional levels to understand and comply with their obligations to protect the rights of their citizens with respect to the climate crisis. *Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet* is a powerful template for young people who are concerned to protect the planet and their human rights, with effective methods of motivating governments to proactively address the climate crisis. It is also a sobering wake-up call for older people who have played some part in enabling the actions and laws resulting in the climate crisis.

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