

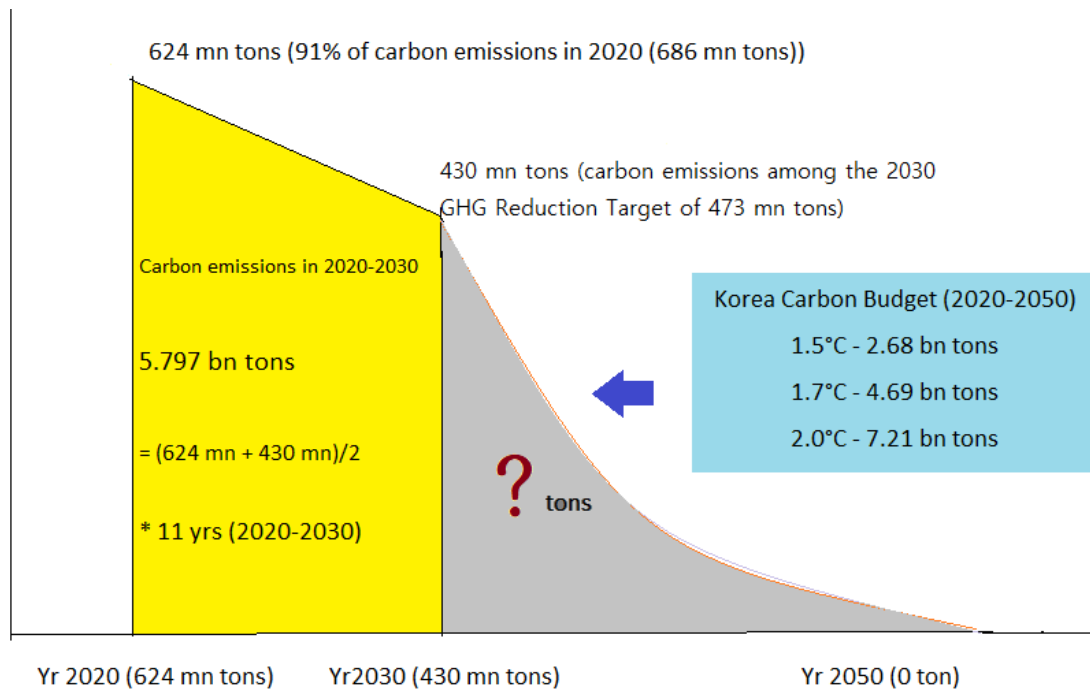
1. Additional Constitutional Complaint on the Framework Act on Carbon Neutrality to be Filed by South Korean Youth Activists [Summary]

On March 13, 2020, nineteen youth activists in South Korea filed a complaint against the National Assembly and the President in the South Korean Constitutional Court based on the Framework Act on Low Carbon and Green Growth. While maintaining the original complaint, the Petitioners are bringing an additional complaint adding the following claims as well as the grounds for the claims seeking a decision finding Article 8 of the Framework Act on Carbon Neutrality unconstitutional.

- (1) The GHG Reduction Target for 2030 (more than 35% reduction compared to 2018 emissions) stipulated in Article 8 of the Framework Act on Carbon Neutrality is unconstitutional for infringing on the rights of future generations in advance.
- (2) The fact that the Framework Act on Carbon Neutrality does not provide for any GHG reduction targets for the period of 2031 to 2050 by law is unconstitutional for violating the obligation to protect the basic rights of future generations.
- (3) The fact that the Framework Act on Carbon Neutrality does not include any provisions to ensure the implementation of GHG reduction targets is unconstitutional.

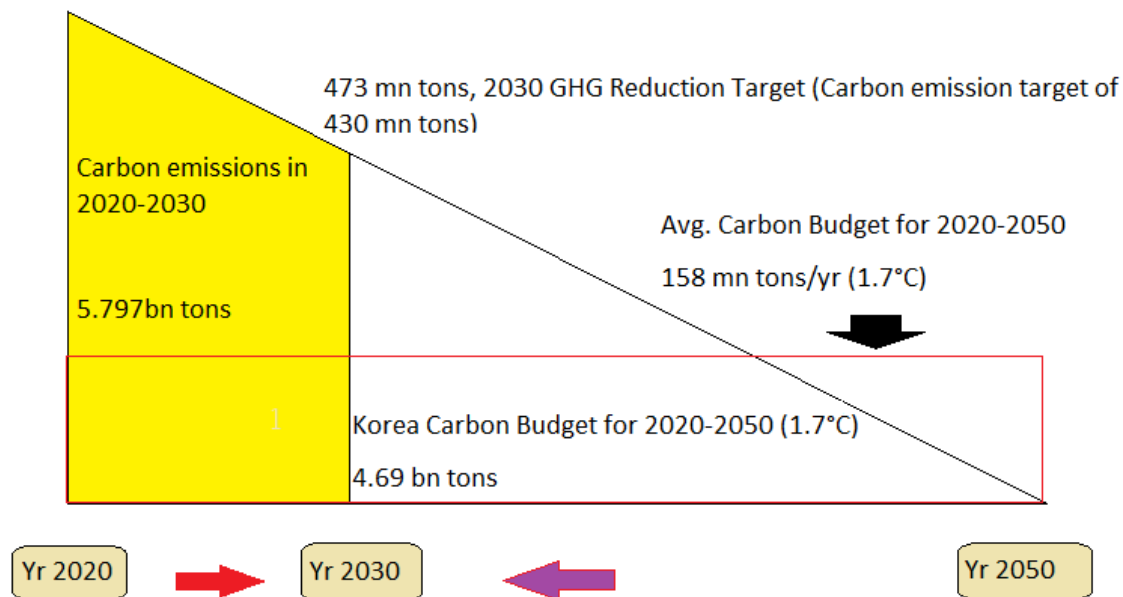
2. Unconstitutionality of the 2030 GHG Reduction Target – Advance Infringement on the Freedom and Rights of Future Generations

The “Korea Carbon Budget” is computed by dividing the global carbon budget (400 billion tons) from IPCC’s 2021 6th Report by the proportion of Korea’s population (0.67%). **The number comes out to (i) 2.68 billion tons of carbon dioxide at 1.5C and (ii) 4.69 billion tons of carbon dioxide at 1.7C.** Korea’s carbon emission in 2020 is 624 million tons, and the amount of carbon emission reduced by 35% compared to 2018 emissions in accordance with Article 8(1) of the Framework Act for Carbon Neutrality would be 430 million tons. Based on the GHG Reduction Target for 2030, **Korea will be emitting a total of 5.797 billion tons of carbon from 2020 to 2030. At this rate, not only the carbon budget calculated for 1.5C but also the budget calculated for 1.7C will be exhausted before 2030.** The outcome does not change even when applying “the 40% reduction compared to 2018” standard as the total carbon emission until 2030 would be 5.62 billion tons.



[Figure 3-2 Allocation of the Korea Carbon Budget (based on Article 8 (1) of the current Framework Act for Carbon Neutrality)]

686 mn tons, GHG Emissions in 2020 (Carbon emissions of 624 mn tons)



[Figure 4] 2030 GHG Reduction Target in the 2020-2050 Time Series (in comparison to the Korea Carbon Budget)

As seen in [Figure 4] above, by allocating most of the carbon budget to the first 10 years from 2020 to 2030 and leaving almost none for future generations who will live the 20 years between 2030 and 2050, the current GHG Reduction Target for 2030 violates the intergenerational equity and infringes in advance on the freedom and rights of future generations in terms of GHG emissions. Thus, the provision is unconstitutional for lacking constitutional legitimacy.

3. Lack of GHG Reduction Targets after 2031 – Violation of the Duty to Protect Basic Rights of Future Generations

As described in [Figure 3-2] above, the Framework Act on Carbon Neutrality, while seeking to achieve carbon neutrality by 2050, only provides for the 2030 GHG Reduction Target and does not stipulate any GHG reduction targets for the period between 2031 and 2050. It is an unconstitutional law that lacks any provision for actual realization of carbon neutrality and violates the State's obligation to protect basic rights for future generations following 2030.

4. Lack of Provisions for Ensuring Implementation of GHG Reduction Target – Recurrence of Non-Fulfillment and Disposal of Reduction Target

The South Korean government had stipulated the GHG Reduction Target for 2020 (543 million tons) by way of the 2010 Enforcement Decree. However, the government in 2016 amended the Enforcement Decree which irresponsibly abolished the 2020 Reduction Target by stipulating the 2030 Reduction Target of 536 million tons.

The Framework Act for Carbon Neutrality also does not have provisions guaranteeing the binding effect and implementation of the reduction targets. Therefore, there is no legal mechanism in place to prevent future elected governments from abolishing the 2030 Reduction Target without any implementation. Such legislative omission is another important ground to find the Act unconstitutional. (End)