

TO THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

ARUSHA, UNITED REPUBLIC OF TANZANIA

APPLICATION NO, 001/2025

IN THE MATTER OF A REQUEST BY THE PAN AFRICAN LAWYERS UNION FOR AN
ADVISORY OPINION ON THE OBLIGATION OF AFRICAN STATES WITH RESPECT TO THE
CLIMATE CRISIS

APPLICATION FOR LEAVE TO BE ADMITTED AS AMICUS CURIAE

Made under Rule 84(2) of the Rules of the African Court on Human and Peoples' Rights

Request filed by

World Wide Fund for Nature (WWF International)

March 30, 2026

A. PARTICULARS OF AUTHOR

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B. REQUEST TO MAKE A WRITTEN SUBMISSION

1. WWF International seeks leave to be admitted as an *amicus curiae* to assist the Court in the matter of Request for an Advisory Opinion No. 001/2025 (“**Advisory Opinion Request**”). This request is made under Rule 84(2) of the Rules of Court.

WWF Expertise and Experience on the Matter

2. WWF is one of the world’s largest independent international conservation organizations, with more than 100 offices worldwide and a track record of more than 60 years. Its mission is to build a future in which people live in harmony with nature. To deliver on this mission, it works to conserve and restore biodiversity, reduce the environmental footprint of people, and ensure the sustainable use of natural resources to support current and future generations.

3. In the face of the climate crisis, a core part of WWF's work is now related to this issue. Recognizing the critical role of climate change in threatening biodiversity and people, WWF advocates for: (i) sustainable policies and practices to reduce greenhouse gas (GHG) emissions (e.g., the energy transition from fossil fuels to renewable energy); and (ii) awareness of nature-based solutions to climate change (e.g., the conservation and restoration of ecosystems which act as carbon sinks, such as forests and wetlands). It also collaborates with local communities, governments, and others to help people and nature prepare for the impacts of climate change.
4. WWF's work is grounded in science. Working with partners, WWF scientists lead global and regional analyses across multiple disciplines. WWF draws on biology, hydrology, oceanography and the social sciences to advance cutting-edge conservation tools and methods, connect natural and social systems and tackle emerging threats. WWF scientists track conservation needs and lead regional and global analyses to identify and set priorities for the world's valuable habitats and species. WWF also relies on scientific processes to ensure that its on-the-ground conservation programs are effective and produce measurable results.
5. In addition, with the support of its scientists, WWF publishes regular reports and studies addressing issues including the impact on biodiversity of climate change. In partnership with the Zoological Society of London (ZSL), WWF also manages the Living Planet Index (LPI), a globally acknowledged indicator that shows trends in the abundance of vertebrate populations around the world. First published in 1998, the LPI was previously adopted by the Conference of Parties to the 1992 Convention on Biological Diversity (CBD) to measure progress towards the Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020.¹⁰ It is currently accepted as a component indicator for Target 4 (Halt Species Extinction, Protect Genetic Diversity, and Manage Human-Wildlife Conflicts) of the Kunming-Montreal Global Biodiversity Framework (KMGBF).
6. WWF is recognized as an authority on global biodiversity trends. It is also a recognized agenda-setter in the international law sphere about climate change, nature, and biodiversity. For example, WWF presented amicus submissions to the International Tribunal for the Law of the Sea (ITLOS) for consideration as part of its recent Advisory Opinion on Climate Change and

International Law (the ITLOS Advisory Opinion), arguing that climate-related obligations include rapidly reducing emissions while conserving and restoring the marine environment. WWF also presented an amicus submission to the International Court of Justice, in partnership with Squire Patton Boggs, in the process of the Advisory Opinion on Obligations of States in Respect to Climate Change, issued last July. We have also engaged with the United Nations Framework Climate Change Convention (UNFCCC) for the last 20 years.

7. WWF has a long-standing and well-established presence across the African continent, with 15 offices operating throughout the region. Its work spans some of Africa's most iconic and biodiversity-rich landscapes, including the Congo Basin, the Kavango–Zambezi Transfrontier Conservation Area in southern Africa, and the Southwest Indian Ocean seascape. WWF's work also focuses on the protection of important plant areas and on addressing water scarcity and forest degradation across North Africa.
8. WWF supports governments in the development of policies for climate change mitigation and adaptation, as well as biodiversity conservation. This includes providing technical support to members of the African Group of Negotiators under key multilateral processes, such as the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, efforts to address plastics pollution, and the Convention on International Trade in Endangered Species.
9. The WWF-led African Adaptation Hub is one of several initiatives established to accelerate high-quality, impactful action across the continent, with the aim of strengthening the resilience of both people and nature to climate change. In addition, WWF has built strong partnerships with key pan-African and regional institutions, including the African Development Bank and the African Union Commission, as well as regional economic communities such as the Southern African Development Community, the East African Community, and the Economic Community of Central African States, and specialized institutions including the Central Africa Forests Commission and the African Union Development Agency.
10. WWF welcomes the request for an Advisory Opinion by the Pan African Lawyers Union and expect the African Court on Human and People's Rights to provide a landmark contribution to the trend of legal manifestations on climate change by International Courts. WWF would be honored to be accepted as an

amicus curiae to support Your Excellencies in this important endeavour.

C. SCOPE OF THE PROPOSED INTERVENTION

11. The questions proposed by PALU before the Court center on the obligations of African states under international Human Rights law to to respect, protect, promote and implement the guaranteed rights by the African Charter on Human and People's Rights, including a positive duty to undertake measures ensuring effective dissemination and enjoyment of these rights. Of the several questions proposed before the Court in paragraph 94 (questions a-g) of the Advisory opinion request, WWF will focus its statement on:

(f) Applicable obligations in implementing adaptation, resilience and mitigation measures

12. Given WWF's particular expertise presented above, we explain why harm to biodiversity caused by greenhouse gasses (GHGs) should be viewed as a fundamental global and African concern. We also outline the legal and political basis for WWF's position that **state obligations to protect biodiversity are a fundamental part of their human rights duties under international law**, particularly in safeguarding the climate system and communities for both present and future generations.

Respectfully submitted by WWF International on March 30, 2026.

Fernanda Viana de Carvalho

Durrel Halleson

To be served upon:

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APPLICATION NO, 001/2025

**IN THE MATTER OF A REQUEST BY THE PAN AFRICAN LAWYERS UNION
FOR AN ADVISORY OPINION ON THE OBLIGATIONS OF AFRICAN STATES
WITH RESPECT TO THE CLIMATE CRISIS**

WRITTEN OBSERVATIONS

SUBMITTED BY

WORLD WIDE FUND FOR NATURE (WWF) INTERNATIONAL

March 30, 2026

WWF OBSERVATIONS¹

1. As stated in the *amicus curiae* request, WWF comes before this honorable Court to humbly contribute to the Advisory Opinion request by the Pan African Lawyers Union on obligations of States with respect to the Climate Crisis. In this context, we will focus our observations on responding to question (f) ***Applicable obligations in implementing adaptation, resilience, and mitigation measures***. However, Part of our inputs could also be useful in addressing questions (c), (d) and (j).

2. Art. 24 of the African Charter on Human and People's rights establishes in its art. 24 that "*All peoples shall have the right to a general satisfactory environment favorable to their development*". For the reasons stated below, WWF maintains that biodiversity protection is a pre-condition for the full enjoyment of such rights.

¹ This statement largely builds on the WWF Statement to the International Court of Justice, submitted in July 2024 and elaborated by Squire Patton Boggs Law Firm.

Nature as a critical human need

3. A loss of biodiversity is a loss for humanity. It is not just a crisis for the species affected. It is a fundamental concern for humanity at large. As biodiversity is depleted, so too is the Earth's capacity to meet the needs of human life. It also impacts humanity's ability to mitigate the effects of climate change.

4. As the International Panel on Biodiversity and Ecosystems Panel (IPBES) Report 2019 confirmed, "nature is essential for human existence and good quality of life."² It plays a critical role in providing food and feed, energy, medicines and genetic resources and a variety of materials fundamental for people's physical well-being and maintaining culture³. For example, as the IPBES Report outlined:

- More than 2 billion people rely on wood fuel to meet their primary energy needs;
- An estimated 4 billion people rely primarily on natural medicines for their health care;
- Approximately 70% of drugs used for cancer are natural or are synthetic products inspired by nature;
- Nature sustains the quality of the air, fresh water and soils on which humanity depends;
- Nature provides pollination, which is essential for agriculture (indeed, 75% of global food crop types, including fruits and vegetables and some of the most important cash crops, such as coffee, cocoa and almonds, rely on animal pollination), and provides pest control; and
- Nature contributes to non-material aspects of quality of life – inspiration and learning, physical and psychological experiences and supporting identities – that are central to cultural integrity.

5. Given this, it is self-evident why the United Nations Environment Programme (UNEP) concluded in 2019 that biodiversity is "critical for human well-being, as are ecosystem services more broadly," and that a major species extinction event is "compromising planetary integrity and Earth's capacity to meet human needs."⁴ Similarly, the findings of the Intergovernmental Panel on Climate Change (IPCC) recognise that climate change is a threat to human wellbeing and planetary health, and that safeguarding biodiversity and ecosystems is fundamental to climate resilient development⁵. In essence, losing biodiversity poses a risk to human life itself.

Climate and Biodiversity Interlinkages in Africa

6. African Head of States and Governments, **at the first African Biodiversity Summit in Gaborone, Botswana** acknowledged the fact that Africa is home to more than a quarter of global biodiversity with its immense forests, savannas, woodlands, wetlands, freshwater and marine ecosystems. These rich ecosystems are lifelines of Africa's economies, underpinning sectors like agriculture, fisheries, tourism, climate resilience and livelihoods of millions of Africans. However, this rich biodiversity is under severe threat and undermines not just food security, health but also Africa's economic prospects and its resilience. The WWF Living Planet Report for 2024 indicated that Africa was facing dangerous irreversible tipping points driven by nature loss and climate change. The report revealed a 76% decline in monitored wildlife populations across Africa, representing mammals, birds, amphibians, reptiles, and fish between 1970 and 2020.

7. The **African Union Climate Change and Resilient Development Strategy and Action Plan for 2022 – 2032** has amongst its guiding principles *conserving and restoring ecosystems as this is critical to addressing climate change in Africa, contributing significantly to both mitigation and adaptation, while simultaneously producing multiple socio-economic benefits*. The **African Union Biodiversity Strategy and Action Plan (ABSAP)**, adopted by the AU Assembly, a guideline document developed to provide the opportunity for a coordinated efforts by African countries to support the implementation of the Kunming-Montreal Global Biodiversity Framework Agreement, recognized that though Africa ecological footprint is low, by 2040, this footprint is projected to double as nature's capacity to contribute to the wellbeing of the people continues to decrease in the face of growing populations and increasing pressures on land and natural resources, **which are exacerbated by the climate change crisis**.

² IPBES Report 2019, p. XIV.

³ IPBES Report 2019, p. XIV.

⁴ UN Environment Programme ("UNEP"), *Global Environmental Outlook: GEO 6 – Healthy Planet, Healthy People*, 2019, <https://www.unep.org/resources/global-environment-outlook-6> [last accessed 13 June 2024], p. 8; UNEP, *Global Environmental Outlook: GEO 6 – Summary for Policymakers*, 2019, <https://www.unep.org/resources/assessment/global-environment-outlook-6-summary-policymakers> [last accessed 13 June 2024], p. 8.

⁵ IPCC Climate Change Report 2022, Sections B.2.1 and D.5.3.

Biodiversity as an effective and sustainable climate change mitigation measure

8. In addition to all the benefits brought by biodiversity outlined above, biodiversity offers an effective and sustainable means of mitigating climate change. This is the case, in particular, because of (i) utilizing natural processes and ecosystems to remove and sequester CO₂; and (ii) mitigating other negative impacts of climate change reducing the risks associated with natural disasters exacerbated by climate change.

10. By way of example, the effectiveness of natural forests, wetlands, grasslands and marine ecosystems as carbon sinks are described below. Other ecosystems, however, are also important:

Native forests: Forests, particularly tropical rainforests such as in the Congo Basin, act as major carbon sinks by absorbing CO₂ from the atmosphere during photosynthesis and storing it in biomass and soils. Indeed, it is estimated that forests absorb approximately 2.6 billion metric tonnes of CO₂ annually, with tropical forests alone sequestering about 25% of the world's carbon emissions from fossil fuels⁶. The Congo Basin forests, a massive expanse of 180 million hectares and comprising 10 per cent of the world's remaining tropical rain and moist forests, forming the second largest block of rainforest in the world after the Amazon, is estimated to contain between 25 - 30 billion tons of carbon in their vegetation. This amount is equivalent to about 4 years of current global anthropogenic emissions of carbon. The Congo Basin is estimated to be the world's largest and healthiest tropical forest carbon sink, sequestering 1.5 billion tons of carbon annually.⁷ The Congo Basin and all African forests were recently recognized for their value in regulating climate change in the recent **African Leaders Addis Ababa Declaration on Climate Change and Call to Action (2025)**.

Forests with more biodiversity store more carbon than those with less diversity because different species of plants grow at various rates and have different life spans and wood densities which collectively contribute to more robust and efficient carbon capture and storage capacities across the ecosystem⁸. Natural forests also assist in mitigating the direct effects of climate change on the health of people and wildlife.

⁶ WWF, *Our Climate's Secret Ally 2022*, November 2022, p. 22

⁷ <https://www.weforum.org/stories/2025/01/congo-kivu-kinshasa-green-corridor/>

⁸ Climate ADAPT, *Role of Biodiversity in Climate Change Mitigation (ROBIN)*, 2016, <https://climate-adapt.eea.europa.eu/en/metadata/projects/role-of-biodiversity-in-climate-change-mitigation> [last accessed 13 June 2024].

Wetlands: They can store more carbon for every unit area than any other type of ecosystem due to their oxygen-free, water-logged soils which hinder organic matter decomposition and enable substantial carbon accumulation. Despite taking up only 3% of Earth's land surface, peatlands (a specific variety of wetlands) contain around 30% of all soil carbon found globally. Once locked into such swamps through prolonged decay processes, organic compounds do not break down easily and the carbon stays stored for a long time. This makes peatlands better carbon sinks than forests, where faster decomposition rates are more common.

Grassland, such as the Okavango Delta in Botswana, occupy about 40.5% of the Earth's land surface, with the largest expanses in Sub-Saharan Africa and Asia. Grassland soils are estimated to contain nearly 50% more carbon than terrestrial forests. The reason for the greater ability to store carbon is largely due to their deep root systems, which deposit carbon far beneath the surface where it cannot easily be eroded or washed away.

Marine Ecosystems: Oceans absorb about 23% of human-emitted CO₂ by methods that are both biological (such as marine photosynthesis) and physical (like CO₂ dissolving in seawater). The oceans have also absorbed around 90% of the heat warming that has occurred due to GHG emissions. According to a recent report, the ocean has the power to provide one-fifth of the emissions reductions needed to meet the Paris Agreement and limit global temperature rise to 1.5°C. Marine plants and animals also have a role to play. For example, seagrasses store carbon at rates over 30 times that of tropical rainforests, and mangroves along coasts also absorb CO₂ several times faster than terrestrial forests on land.

IV. Role of biodiversity in protecting humans against natural disasters caused by GHG emissions

11. Natural habitats are also key to mitigating the natural disasters and extreme weather caused by climate change. For example, coastal wetlands and coral reefs serve as effective barriers against coastal threats, absorbing storm surges, and decreasing wave energy which would otherwise lead to floods or erosion in neighboring habitats, farmlands, or urban settlements. This natural buffering effect reduces the risk of saltwater flooding and coastal collapse, which protects lives, crops, and key facilities from storms and rising sea levels.

12. Ecosystems also influence regional climates by adjusting the balance of energy and water within the atmosphere through biophysical processes. For example, forests are dark in color and therefore absorb heat from the sun, and the rough texture of forest canopies helps warm air rise upwards, which cools down the surface and redistributes moisture across the air. Oceans also absorb around 90% of the Earth's excess heat, and wetlands act as natural sponges, soaking up rain into the soil for groundwater replenishment and providing water reserves during droughts.

V - Protecting the climate system from GHGs for States and for present and future generations involves protecting biodiversity

13. For reasons set out above, a loss of biodiversity would not just be a crisis for natural species and systems. It would affect all Africans and their right to *a general satisfactory environment favorable to their development*, guaranteed by art. 24 of the **African Charter of Human and People's Rights**. It is undeniable that emissions of GHGs and climate change are producing serious and detrimental impacts on biodiversity today. Since biodiversity (including the species and natural systems which underpin biodiversity) forms a key part of the African climate system, it follows that protecting the climate system from GHGs for States and for present and future generations in Africa requires protecting biodiversity.

14. Moreover, natural systems can be harnessed to combat climate change, help populations adapt and foster resilience While reducing emissions must be the priority of States in order to have a chance of achieving the global warming limit contained in the Paris Agreement of global warming 1.5°C or well below 2°C, emissions reductions on their own will not be sufficient.

15. Biodiverse ecosystems act as major carbon sinks by absorbing CO₂ from the atmosphere and storing it in biomass, soils and waters. Biodiverse natural habitats are also key to mitigating natural disasters and extreme weather caused by climate change. The preservation and restoration of these ecosystems are therefore critical for maintaining their carbon sequestration capabilities and mitigating the adverse effects of climate change. The 6th IPCC Assessment Report highlighted that natural sinks are gradually losing their capacity to absorb and store CO₂.

16. By failing to take steps to stem the degradation of nature caused by climate change, African States and other actors would undermine efforts to tackle the climate crisis and, in fact, accelerate its onset and exacerbate its impacts. Therefore, protecting biodiversity is central to addressing the climate crisis, as well as being a vital undertaking in its own right, given the intrinsic value of biodiversity and the importance of the many benefits it brings to the African continent today and in the future.

17. Biodiversity is particularly important to protecting and securing the right to food, as it makes agricultural systems more resilient and secure and plays a key role in increasing food production (for example, through pollination and providing habitat for species). Genetic diversity within species increases the yield of commercial crops, and species richness in freshwater fisheries is associated with greater productivity.

18. Biodiversity also helps to support the right of access to clean and safe water. For example, forests improve water flow and regulation, and mollusks can play an important role in water purification.

19. While it is clear that the nature emergency threatens a wide range of human rights, impacts on different groups are and will be unequal. Yet, States have obligations, including under the ICCPR and regional human rights treaties such as the ECHR and ACHR, to ensure that rights are enjoyed without discrimination.

20. IPBES has observed that areas of the world projected to experience significant effects from changes in climate, biodiversity and ecosystem functions are home to large concentrations of Indigenous Peoples and many of the world's poorest communities, and that "because of their strong dependency on nature and its contributions for subsistence, livelihoods and health," "those communities will be "disproportionately hard hit." Deforestation, the loss of biodiversity and ecosystem degradation can also exacerbate gender inequalities, for example, by increasing the amount of time spent by women and girls to obtain food, water, firewood and fodder.

21. The African Commission on Human and Peoples' Rights (ACHPR), in the decision of SERAC vs. Nigeria, recognized that States have an obligation under the African Charter as provided for in Art. 24 guaranteeing the rights to all peoples to a "general satisfactory environment favorable to their development". The ECOWAS Court of Justice in the SERAP Case reaffirmed this position where it found that the Nigerian Government had violated the right to a healthy environment following oil spills caused by oil companies in the Niger Delta. In 2003, the AU Assembly adopted the African Convention on the Conservation of Nature and Natural Resources (the Maputo Convention) with the objective of enhancing environmental protection, foster the conservation and sustainable use of natural resources and to harmonize and coordinate policies in order to achieve ecologically rational, economically sound and socially acceptable development policies and programmes. The Convention scope extends to biodiversity related to land, soil, water, vegetation cover, species and genetic diversity, protected species, trade in specimens and related products as well as conservation areas

22. Linked to the disproportionate impact on vulnerable populations, rights of children and future generations are also particularly threatened by degradation of ecosystems. The **Rio Declaration** has long made clear as a core principle of international environmental law that the right to development must be fulfilled in such a way as to meet needs of both present and future generations. This is also the core of international conceptions of sustainable development, which requires an integrated

approach that takes into consideration environmental concerns along with economic development.

23. The obligation to prevent transboundary harm has long been recognized as a principle of customary international law, finding its origin in States' territorial sovereignty, the corollary of which is a duty, incumbent upon all States, to protect within their own territory the rights of other States to integrity and inviolability. In other words, States are obliged not to cause harm to other States.

24. The obligation in the context of the protection of the environment is also enshrined in Principle 21 of the **1972 Stockholm Declaration** and reiterated (with a minor modification)¹⁵⁷ in Principle 2 of the 1992 Rio Declaration, which reads:

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

25. In light of the above, there can be no doubt that the obligation to prevent transboundary harm applies to damage to the environment, and therefore to the biodiversity of other States.

26. States' human rights obligations in these areas are also informed and shaped by international environmental law commitments by way of canons of interpretation. The ECtHR and IACtHR, in interpreting human rights treaties, have applied the standards of dynamic and evolutive interpretation, interpreting the treaties as “living instruments” within their factual and legal context, which includes other international law (such as the Paris Agreement). Article 31(3)(c) of the Vienna Convention provides that context and applicable rules of international law should be taken into account in interpreting treaties.

27. In summary, States have clear obligations to act in respect of the nature and biodiversity crises, as they do in respect of the climate emergency, deriving from internationally recognized human rights. States are obligated to comply with individual human rights in such a way for them to be effective, and doing so is critical to the future of human life and wellbeing. As UNEP has held, “[u]rgent action at an unprecedented scale is necessary to arrest and reverse this situation, thereby protecting human and environmental health and maintaining the current and future integrity of global ecosystems.”

VI- Final Considerations

28. Biodiversity, as a critical component of the environment, is essential to human life and existence. As such, harm to and loss of biodiversity caused by GHG emissions is a matter of global concern both for present and future generations. Biodiverse ecosystems also act as major carbon sinks by absorbing CO₂ from the atmosphere and storing it in biomass, soils, and waters. In addition, biodiverse natural habitats are key to mitigating natural disasters and extreme weather caused by climate change. The preservation and restoration of the Earth's ecosystems is therefore critical to carbon sequestration and to mitigating the adverse effects of climate change.

29. African States will only be effective in meeting their obligations under the African Charter on Human and People's right and in mitigating the urgent threat of climate change to the environment and, consequently, to human existence, if they actively implement measures to preserve and protect biodiversity. Those measures must be informed by the best available climate science and must be taken in coordination with other States and international organizations.

30. With the observations presented above, WWF humbly makes the case before the honorable African Court of Human and People's rights that preserving and conserving biodiversity is a key Human Rights obligations of African States in order to mitigate climate change, We also highlight the legal and political basis for our case, grounded both in International Environmental Law and the African Charter.

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