

**26 September 2017**

***UK Government served notice of legal action over their climate inaction***

Today on 26 September 2017 Greg Clark has received a letter as a first step to a Judicial Review of the UK Government's 'carbon target' for 2050. The legal action highlights the failure of the Government to revise this target to keep pace with developments in climate science and the enhanced carbon reduction ambitions of the Paris Agreement and to force the Government to revise it in line with the global obligation to limit warming to 1.5°C or 'well below' 2°C.

Hurricanes Harvey, Irma and Maria are a reminder of the increasingly devastating impacts of climate change. Heat is energy and it is the additional energy in the climate system caused by climate change that turbo-charges the hurricanes and super-typhoons.

Last week, in a speech at the UN, Theresa May singled out the Paris Agreement as an example of how countries can work together to promote "fairness, justice and human rights".

Indeed the Conservative Party Manifesto promised: **"We will continue to lead international action against climate change."**

Plan B, a charity advancing strategic legal action to tackle climate change, in collaboration with a number of individual co-claimants, is about to place that promise under scrutiny. Its solicitors, Bindmans LLP, have today delivered to Greg Clark, the Secretary of State for BEIS, a letter preliminary to a Judicial Review of the Government's 'carbon target' for 2050. It argues that the Secretary of State's failure to review and revise the target in light of developments in climate science and international law is:

- a. *Ultra vires*,
- b. Irrational, and
- c. A breach of fundamental human rights.

Specifically the letter highlights the failure of the Government to revise the UK carbon target to keep pace with the enhanced ambition of the Paris Agreement the Government has done so much to promote. If the UK, as a relatively wealthy, developed nation, an architect of the Paris Agreement and a self-proclaimed climate leader, fails to meet its international obligations under the Agreement, its leadership claim is false and its good influence on others is lost.

Jamie Potter, Partner at Bindmans LLP and representing Plan B says: "The Climate Change Act 2008 was a landmark achievement, enshrining the UK's contribution to the global threat of climate change. It was a model followed by many other countries. Yet by failing to keep up with the science and the international consensus, the UK is giving up that global leadership role. It is true that the UK cannot tackle climate change alone. But that makes it especially important that it leads from the front. As recognised in 2008, if the UK does not do its fair share, it guarantees that we all keep marching towards the cliff edge in double quick time. If the Government will not accept its legal obligations in this respect, the Courts will have to be asked to enforce them yet again. "

The claimants believe that Government appears to be treating the Paris obligation to limit warming to 1.5°C or 'well below' 2°C as if it were aspirational. The letter contends that such a position is flawed legally; a tragic misunderstanding of the science; and a gross betrayal of public trust. Those targets are not aspirational they are essential and the very least we should be trying to achieve.

The Paris Agreement was informed by evidence that the risk of crossing ‘tipping points’ in the climate system rises significantly between 1.5°C and 2°C. Tipping points include Arctic meltdown, accelerated warming and acidification of the oceans, the rise in forest fires, storms, floods and release of methane from melting permafrost. The interaction of such tipping points creates intolerable risks of runaway climate change and the collapse of the climatic stability on which civilization depends (with catastrophic consequences for the economy, international security and life on earth). The Paris Agreement temperature goal should be understood as the ‘cliff edge’ – a point beyond which rational persons should fear to tread.

The Government’s advisors acknowledge the inconsistency between the UK target and the Paris Goal, but argue that raising ambition would be difficult and that the ‘time is not right’ to make a change.

Tim Crosland, Director of Plan B, says: “That’s like a pilot saying, as his plane careers towards the mountainside, that he’s not quite ready to change trajectory because he needs more time to study his map. It’s not a reasonable or rational response to the situation.”

Crosland summarises the challenge to the Government as follows: “Judging the Government by its actions rather than its words, it seems to believe it’s enough to pay lip-service to this incredibly grave threat and to be able to say it’s ‘trying its best’. That is just not good enough and is not consistent with the purpose of the UK Climate Change Act. After so much procrastination a completely different mind-set is required. If we care about our future, if we care about our children, we need to face up to our proximity to the cliff edge, and to start thinking in terms of ‘whatever it takes’. People didn’t set foot on the moon by ‘trying their best’. They did it by working out what was necessary and making the necessary investment. That’s the approach that’s now required. There can be no half measures, because there is no partial success. *Nearly* getting to the moon. *Only just* falling over the cliff edge. That’s missing the point.”

If successful the case should:

- d. compel the Secretary of State to increase the ambition of the UK’s 2050 carbon target, in line with the Paris Agreement, helping to incentivise long-term investment in clean technology (and deter investment and subsidies for fossil fuels)
- e. set a precedent for the rational division of responsibilities between countries, helping to keep all within the ‘global carbon budget’ for avoiding economic and humanitarian catastrophe.

The case is part of a wider, global legal effort to ensure human rights are protected from climate-related harms. Organisations, such as Greenpeace, Plan B, and many others are advocating for governments and corporations to take immediate steps to ensure, at a minimum, the successful implementation of the Paris Agreement (recognising that serious harm is already occurring at current levels of warming).

## Notes to Editor

Published by Plan B

The full text of the letter to the Secretary of State has been published here:

<http://www.planb.earth>

Please contact Tim Crosland: 07795 316164 / [tim@planb.earth](mailto:tim@planb.earth) for more information.