The Rt Hon Greg Clark MP
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Re

(i) Revision of the carbon target for 2050
(ii) Your obligation to safeguard the right to life

To the Honourable Minister

I write to you on behalf of Plan B, a charitable incorporated organization (CIO), committed to bridging the gap between climate change action and the global climate obligation. I write also on behalf of Theresa Fuhrmann, Sebastien Kaye, Francis Priestland, Nina Schoonman and many other young people, who are concerned to ensure appropriate steps are taken to safeguard their fundamental human rights, taking into account the principle of inter-generational equity, and focusing in particular on their rights to life.

We ask you to:

(i) exercise your power to revise the carbon target for 2050, aligning it to the global climate obligation and the Paris Agreement
(ii) take reasonable and proportionate measures to safeguard the right to life.

1. Revision of the 2050 carbon target

Introduction

As you are no doubt aware, the original carbon target in the Climate Change Act 2008 was linked to the global climate obligation as it was at the time, i.e. limiting warming to 2°C. The Paris Agreement has reduced that limit to 1.5°C or ‘well below’ 2°C. Since the purpose of the Climate Change Act is to ensure the UK makes a reasonable contribution to the global climate obligation, a change to the global obligation logically implies a corresponding change to the carbon target. We consider the Committee on Climate Change’s recommendation to maintain the current carbon target for 2050, contained in its report of October 2016, UK climate action following the Paris Agreement, to be:

1. Fundamentally misconceived, and
2. Likely to have catastrophic consequences for the people of the UK and the rest of the world.
We urge you to give independent consideration to the matter and to exercise your power to revise the carbon target, so that it puts the UK on course to make a fair contribution to the global climate obligation. The Climate Change Act, as you are no doubt aware, is used as a model internationally, including by many of the 52 countries of the Commonwealth. That being the case, at a point when countries around the world are enacting domestic legislation to implement their Paris commitments, there is a fork in the road:

Pathway 1, maintaining the current UK carbon target, leads the way over the cliff edge of climate catastrophe.

Pathway 2, revision of the target to align to the Paris goal, significantly reduces the risk of catastrophic damage to the global climatic system.

We consider Pathway 2 to be the only reasonable, rational and legal option available.

*The Global Climate Obligation*

As the Committee recognizes, there is no safe level of climate change. Already climate change is:

- Killing many thousands of people directly through extreme weather events, including floods, super-typhoons and heat-waves, and compelling the migration of many millions
- Exacerbating existing stresses in fragile regions of the world, destabilizing international politics and international security
- Causing meltdown in the polar regions, threatening imminent collapse of the UK and global climatic system.

The objective now is to prevent climate change catastrophe. Countries have expressed this objective in terms of a temperature limit beyond which the risks become intolerable. This agreed limit is often described as the ‘global climate obligation’: the shared obligation to prevent collective disaster.

Prior to 2015, the limit was 2°C. Many argued the limit was inadequate: that 2°C warming would give rise to unacceptable risks, including runaway climate change through rapid interacting feedback effects.

In December 2015, the governments of the world (including HMG) came to a consensus on the terms of the Paris Agreement. In light of mounting evidence of the dangers of 2°C warming, the Paris Agreement commits countries to limiting warming to ‘well below’ 2°C, while attempting to keep it to 1.5°C. HMG played a significant role in the negotiation of this Agreement.

*The Climate Change Act 2008*

In 2005, Gordon Brown, then Chancellor, announced a major review of the economics of climate change led by Lord Stern. Published in 2006, the Stern Review concluded that “the benefits of strong, early action considerably outweigh the costs” and “income, historic responsibility and per capita emissions all point to rich countries taking responsibility for emissions reductions of 60-80% from 1990 levels by 2050” in order to reach even a 50/50 likelihood of stabilising the world’s temperature rise at no more than 2°C from pre-industrial levels.
In 2008, the UK Climate Change Act was passed with overwhelming cross-party support (only 5 members of the Commons voted against it). It established a 2050 carbon target - reducing greenhouse gas (GHG) emissions by 80% against a 1990 baseline.

Clearly this target was not plucked from the air. Nor was it grounded in an assessment of technical or political feasibility. It was derived from the global climate obligation of the time, i.e. limiting warming to 2°C. This derivation provides the fundamental logic of the Act: ensuring the UK makes a reasonable contribution to preventing global catastrophe.

CCA s.2 provides that Secretary of State may only amend the percentage element of the carbon target if:

“if it appears to the Secretary of State that there have been significant developments in—

(i) scientific knowledge about climate change, or
(ii) European or international law or policy,

that make it appropriate to do so …”

It does not provide for amendment on the basis the target has become challenging politically or economically (as catastrophic climate change will result in profound political and economic damage, any such justification is nonsensical).

Since 2008 there have in fact been a number of significant developments in scientific knowledge and international law and policy, including:

• The Paris Agreement’s revision to the global climate obligation
• Rapid destabilization in the polar regions, implying a rate of change ahead of the scientific modeling.

These developments reveal the inadequacy of the 2°C limit to which the current UK carbon target was originally tied.

The Committee’s advice (October 2016)

Given the necessity of setting an appropriate carbon target in order to achieve the global climate obligation, logically a change to the global obligation implies a corresponding change to the UK carbon target.

In October 2016, the Committee published a report, UK climate action following the Paris Agreement. This states explicitly that the current carbon target is indeed inconsistent with the revised obligation:

“The UK’s current long-term target is a reduction in greenhouse gas emissions of at least 80% by the year 2050, relative to 1990 levels. This 2050 target was derived as a contribution to a global emissions path aimed at keeping global average temperature to around 2°C above pre-industrial levels. [emphasis supplied]

While relatively ambitious, the UK’s current emissions targets are not aimed at limiting global temperature to as low a level as in the Agreement, nor do they stretch as far into the future. [emphasis supplied]”

The report goes on to say:

“On the logic underpinning the existing 2050 target, net UK CO2 emissions should be zero by 2045-65 …”
It also considers alternative approaches to equity which imply zero emissions significantly earlier than that:

“Other methods for defining a fair UK contribution out to 2050 on a 2°C path nearly all point to more ambitious action than the existing targets. They would therefore suggest the UK reaching net zero before the world as a whole. Currently, however, few of these methods have been calculated specifically for the timing of net zero emissions or for a 1.5°C path.

... dividing the global cumulative emissions budget remaining from 2011 by the UK share of global population implies the UK reaching net zero CO2 by around 2030-55 for a 66% likelihood of 2°C, and by around 2025-30 for a 50% likelihood of 1.5°C.

A linear path from 2014 (when UK emissions where 462 MtCO2/yr including international aviation and shipping) implies reaching net zero CO2 emissions by 2033-55 for 2°C and 2026-8 for 1.5°C...”

In other words the report strongly implies that the existing target is inadequate even in terms of the old 2°C target.

However the Committee appears to assume a political (rather than independent, technical) role in advising against amendment to the target, reasoning as follows:

“The priority for now should be robust near-term action to close the gap to existing targets ...”

Both the Paris Agreement and the UK’s carbon budget process provide several decision points over the next decade for reassessing UK targets. We will revisit our conclusions on a net zero target for the UK, and the possibility of tightening existing targets, as and when these events or any others give rise to significant developments.”

*The Committee’s approach to the carbon target undermines the logic of the Act*

Such an approach is inconsistent with the mandate of the CCC and fundamentally misconceived. More specifically:

- It abandons the scientific approach to the 2050 carbon target and its relationship to the global climate obligation.
- It abandons, without consultation, Parliament’s commitment to the global climate obligation, replacing it with an approach which reflects nothing other than the Committee’s own assessment of political and technical feasibility.
- It assumes, contrary to all available evidence, that procrastination is a viable option, failing to recognize that we are already in a state of climate emergency.
- It overlooks the self-fulfilling aspect of the 2050 target (i.e. by providing policy certainty and incentivizing Research and Development and investment into clean technologies).
- It assumes that CCC can see decades into the future regarding technical innovation and the potential feasibility of a more ambitious target.

Moreover the Committee has either failed to take into consideration, or given insufficient weight to, critical factors such as:

- the nature and scale of the risks of exceeding the Paris Agreement temperature goal
• the international repercussions of the UK maintaining, in law, a long-term carbon target manifestly inconsistent with the Paris Agreement temperature goal
• the obligation of the UK, under the terms of the UNFCCC, to show ‘leadership’
• the closing time window for action
• the commitments of a significant number of other countries to decarbonize their economies by 2050 or earlier
• the fact that a large part of the UK’s emission reductions arise simply from the ‘export’ of heavy industry, such as steel-making, to other countries, and
• the precautionary principle.

By proposing the decoupling of the carbon target from the global climate obligation, the Committee has
• exceeded its remit
• undermined the will of Parliament
• undermined the Act and the derivation of the Act
• set an international precedent inconsistent with UK leadership on climate change, and
• substantially increased the prospects of catastrophic climate change.

For these reasons we urge the Minister not to rely on the Committee’s recommendation concerning the carbon target for 2050 when considering his independent legal obligations.

Obligation on the UK to show climate leadership including by applying principles, which, if applied by others, would prevent climate catastrophe

The UK Climate Change Act serves as a model internationally, influential in particular across the EU, the US and the 52 countries of the Commonwealth. Moreover as a historically high contributor to global warming, one of the world’s major economies, and one of the architects of the Paris Agreement, the UK has an obligation to provide leadership in the global response to climate change. US abdication of any such role leaves a vacuum the UK must help fill.

If the CCA carbon target directs the UK emissions beyond the cliff edge of catastrophic climate change, it directs the rest of the world the same way. As a reasonable and proportionate measure towards safeguarding the right to life of UK citizens, we urge you to amend the carbon target on the basis of clear and replicable principles, consistent with the global climate obligation. Such a strategy would promote the enlightened self-interest of the UK, maximizing the chances of avoiding disaster. We are currently all heading over the cliff edge. There is no need to wait for others to lead in a different direction.

More specifically we urge you to revise the carbon target for 2050 in accordance with the following principles:

1. The carbon target for 2050 should align to the global climate obligation (ie limiting warming to 1.5°C or ‘well below 2°C).

2. It should be calculated on the basis of equity and the precautionary principle.

3. The UK must demonstrate leadership in implementing the global climate obligation.
4. The carbon target must safeguard the human rights of both current and future generations, including in particular the right to life.

5. The Secretary of State should apply principles which, if applied consistently by other countries around the world, would prevent climate catastrophe.

6. The UK should consume no more than its fair share of the remaining global carbon budget (using the standard of equal per capita emissions).

7. The UK should provide substantial climate finance to developing countries as a matter of enlightened self-interest.

The graphic below (which relates only to carbon emissions) has been designed to assist with the application of the principles set out above:

Many other countries, including those who have contributed little to historic emissions, have now committed to a complete decarbonisation of their economies by 2050. To safeguard the rights of its own people the UK should demonstrate a corresponding level of ambition.

2. Your obligation to safeguard the right to life

The Intergovernmental Panel on Climate Change’s (IPCC) Fifth Assessment Report concludes that, on current high emission trajectories, there is a risk of 7.8°C warming by the end of century.

The 2015 report of Sir David King, the UK Foreign Secretary’s Special Representative on Climate Change, concludes that on current high emission trajectories, there is a 50% chance of warming reaching 7°C in the course of the next century.

Warming on this scale implies the annihilation of human civilization (if not the destruction of life on earth). Sir David King has referred to the situation as ‘a looming catastrophe for mankind’.
The UN Environment Programme’s December 2016 Emissions Gap report concluded that even if all voluntary commitments under the Paris Agreement are perfectly implemented, the world remains on course for warming of 3.4°C in the course of the century – in the words of UNEP on course for ‘disaster’.

The pace and scale of change in the polar regions, the Earth’s ‘air-conditioning system’, implies the world is already approaching critical points of irreversibility, ahead of current scientific projections and modeling.

It is clear we are in a state of slow-motion emergency. It is clear that the risks to life of current and future generations are serious and grave. As Secretary of State responsible for the UK’s response to climate change you have a duty of care and a positive obligation to take reasonable measures to safeguard the right to life. It is not enough to defer to the international process, which has so far failed to match action to the climate obligation. Your legal obligation to protect the citizens of the UK arises independently of that process.

In order to discharge that duty we urge you to:

- communicate the state of emergency to the public, and to
- develop and implement an effective national and international strategy for addressing it.

The obligation to provide the public with accurate, accessible information regarding climate risk

Politicians believe they lack the mandate to take tough action on climate change, considering that voters are more concerned with more immediate problems (such as their energy bills). In so far as that is true, it’s because the general public has little idea of the gravity of the situation, for their own lives and for their children. Vested interests continue to provide misleading information to cast doubt in the public mind.

Needless to say, senior people in government, including Sir David King and Mark Carney fully understand the risks that we face. It appears, however, that the Government has a strategy of keeping the issue ‘low profile’, maintaining a vicious circle of inertia: people remain ignorant of the risks to themselves and their children; politicians conclude that they have no mandate to take the action required.

As the responsible Secretary of State we urge you to commence a public awareness campaign so that the general public understands the true gravity of the situation. Everyone wants a good life for themselves and their children, and once they understand that that is precisely what is in jeopardy, they will accept the urgent and radical action now required to avoid disaster.

The obligation to develop and implement an emergency strategy

More generally the obligation to safeguard the right to life requires the development and publication of a strategy to address the emergency. This would necessarily include:

- Providing the public with accurate information regarding the climate crisis, including the rapid rate of reducing emissions required to avoid climate catastrophe
- Ensuring the UK, as a historically high emitting country, resumes its leadership role in tackling climate change (including by amending the 2050 carbon target to align it to the Paris Agreement temperature goal)
• Developing and advancing a plan for bridging the gap between ‘nationally-determined contributions’ and the climate obligation
• Developing a contingency plan for temperature rises towards the higher end of the projections
• Developing and advancing a framework that is equitable both internationally and inter-generationally for the consistent assessment of national contributions towards the climate obligation
• Developing a framework for harnessing market forces to the climate obligation, including by:
  i. abandoning subsidies for all fossil fuels, and
  ii. ensuring ‘the polluter pays’ for climate change loss and damage
• Developing and advancing a plan for addressing the crisis in the polar regions (potentially incorporating a programme of climate restoration)

We recognize the matters raised above call for careful consideration. Nevertheless, in view of the urgency of the situation, we request your reply by Friday 12 May 2017. Please state clearly the extent to which you agree with the content of our submissions, and, if there is anything with which you disagree, please provide your reasoning.

Yours sincerely,

Tim Crosland