

Claimant  
JB Newman  
First  
1 December 2017

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT  
B E T W E E N :

Claim No: CO/

THE QUEEN

on the application of

- (1) PLAN B. EARTH
- (2) CARMEN THERESE CALLIL
- (3) JEFFREY BERNARD NEWMAN
- (4) JO-ANNE PATRICIA VELTMAN
- (5) LILY [REDACTED] JOHNSON
- (6) MAYA YASMIN CAMPBELL
- (7) MAYA DOOLUB
- (8) PARIS ORA PALMANO
- (9) ROSE NAKANDI
- (10) SEBASTIEN JAMES KAYE
- (11) WILLIAM RICHARD HARE
- (12) MHB (A CHILD) BY HIS LITIGATION FRIEND DHB

Claimants

- and -

SECRETARY OF STATE FOR BUSINESS, ENERGY AND INDUSTRIAL  
STRATEGY

Defendant

- and -

THE COMMITTEE ON CLIMATE CHANGE

Interested Party

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FIRST WITNESS STATEMENT OF JEFFREY BERNARD NEWMAN

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I, JEFFREY BERNARD NEWMAN, of [REDACTED], SHALL SAY AS FOLLOWS:-

1. I am 75 years old. I am a Rabbi, father and grandfather, living in London. I have been involved with environmental matters since the sixties and concerned about climate change since the nineties. I make this statement in support of the claim for judicial review brought by Plan B. Earth ("**Plan B**"), me and others against the defendant Secretary of State for Business, Energy and Industrial Strategy (the "**Secretary of State**") for failing to revise the UK's carbon target pursuant to his powers under the Climate Change Act 2008 ("**2008 Act**").
2. Except where otherwise stated, the facts and matters set out in this witness statement are within my own personal knowledge. Where they are not, I identify the source of my understanding and belief. It will also be clear from the context where certain statements are matters of opinion, and I have endeavoured to explain the bases of those opinions.

#### **My background and my reasons for supporting the challenge**

3. I am a rabbi and so speak out of Jewish tradition, teaching and practice. However, I am also in touch with the leadership of other faith communities and have good reason to believe that I am also accurately expressing the concerns of many of them. Succinctly put, in the words of Pope Francis, which have been so widely acknowledged, "*There is an urgent need to protect our common home*".<sup>1</sup> Our deepest and growing conviction is that the governments of the world are doing "too little, too late." In particular, the evidence of rising sea levels, global warming, extreme weather events and what used to be thought of as "natural disasters" but which, in some cases, may also be occasioned by human activity<sup>2</sup> are already affecting the most vulnerable across the globe: the young and old, the sick and poor, widow, widower and orphan. Extreme weather events are particularly of concern, affecting as they do the elderly and the youngest the most, since they are occurring with increasing frequency.
4. At such a time, when such threats are growing, where water scarcity and food shortages are leading to conflict and vast migrations across the world, multiple Biblical quotations echo in my mind: in the words of Isaiah: "*Cease to do evil, learn to do good; seek justice,*

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<sup>1</sup> Laudatio Si 13.

<sup>2</sup> *Waking the Giant: How a changing climate triggers Earthquakes, Tsunamis, Volcanoes*: Prof Bill McGuire, OUP 2012.

*reprove the over mighty; defend the orphan, plead for the widow.*"<sup>3</sup> There is no doubt that the UK has been a leader, particular with the 2008 Act, but the evidence that I have read recently suggests that there is, as Pope Francis appeals to us, an urgent need for the revision of targets.

5. In the back of my mind, as a Jew, there is one further factor, which I find it impossible to dismiss. I was born in 1941 in the early stages of World War II at the first stages of the attempted extermination of my people. The holocaust has been, since my childhood, a growing factor in my awareness. The bystander in the Holocaust was described by Raul Hilberg:

*"Many people...saw or heard something of the event. Those of them who lived in Adolf Hitler's Europe would have described themselves, with few exceptions, as bystanders. They were not "involved," not willing to hurt the victims and not wishing to be hurt by the perpetrators....The Dutch were worried about their bicycles, the French about shortages, the Ukrainians about food, the Germans about air raids. All of these people thought of themselves as victims, be it of war, or oppression, or "fate."*"<sup>4</sup>

6. It is difficult to conceive what the world might be like in fifty or one hundred years if we do not limit global warming to *well below* 2°C or, better still, as set out in the Paris Agreement, to 1.5°C above baseline. Scientists have projected some possible scenarios, including catastrophic, runaway climate change, the risks of which increase significantly beyond 1.5°C.<sup>5</sup> I do not want my grandchildren to live through the devastations that might be caused throughout the world without my attempting to do all I can. I do not want to be the bystander, if I might do more.
7. My involvement in this case is not sudden, but the outcome of many years' involvement, for example in the Climate Camps at Drax in 2006 and Heathrow in 2007. Previously, my personal theological understanding of the essential one-ness which unites creation, all people and the universe led me, with my wife, for several years to take my community on wilderness camps in Scotland in the seventies. Subsequently, I have had strong connections with the Earth Charter (2000), its dissemination via a seminar at Exeter

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<sup>3</sup> Isaiah 1:17.

<sup>4</sup> Raul Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933-1945*: New York: Harper Collins, 1992 xi.

<sup>5</sup> Report of the UNFCCC Structured Expert Dialogue, 2015.

College, Oxford, with Wangari Maathai and others and later the establishment of Earth Charter schools in Bournemouth.

8. Although my concern is not primarily for myself, I make this statement as someone who is over 65 years of age and with others in mind who also fall into that category. I understand that studies show that those over this age are particularly vulnerable to the extremes of temperature that climate change makes so much more common. My attention has been drawn, for example, to a recent publication in the Lancet, published on 30 October 2017: "*The Lancet Countdown on health and climate change: from 25 years of inaction to a global transformation for public health*". I refer also to a paper published in 2016 ("*Attributing human mortality during extreme heat waves to anthropogenic climate change*") which demonstrates that climate change substantially increased the risks of heat-related mortality in Paris and London during the heat-wave of 2003. Those who are already over the age of 65, and those who will be so in due course, are particularly vulnerable to the Government's failure to link its carbon targets and actions to the dictates of science.
9. I understand that the Government recognises that the current carbon target for 2050 is inadequate to meet the Paris Agreement objective of limiting warming to 1.5°C and "well below" 2°C, but argues that it does not yet see a credible pathway to greater ambition. As a non-lawyer such an approach seems to me objectionable on a number of levels:
  - It is a position of resignation and despair, when what we need is hope;
  - It is a self-fulfilling prophecy of failure (if you aim at failure, you cannot hope to succeed);
  - I cannot accept the Government setting a *target* for 2050 in full knowledge that it creates unacceptable risks for my children and grandchildren;
  - Such lack of ambition fails to engage business, individuals and civil society whose collective efforts and support are essential to making the 21<sup>st</sup> century the best, not the last.
10. I have one further response, occasioned by the Secretary of State's response to Plan B's Pre-Action Protocol letter. It here appears that the Government believes it is uniquely placed to determine what is possible in meeting the necessary limits of carbon emissions.

Neither in its response, nor by its actions, does it appear to take into account the creativity and determination of ordinary citizens. Similarly, it would appear unwilling to provide the frameworks (which industry and business leaders have repeatedly called for) which would encourage and accelerate moves towards the necessary level of ambition with respect to climate change. This appears to be a huge missed opportunity.

9. It is for this reason that I have, with others, been involved in the formation of a group called Jewish Action on Climate Change so that, in conjunction with other faith communities, we may assist and support the implementation of appropriate government targets and actions. The deafening silence of Government on these issues given their vital importance not only for future generations but in the face of the calamities of climate injustice across the world (leading, amongst other outcomes, to the greatest number of refugees and vast migrations such as have never before been experienced) is culpable.
10. It is for these reasons that I decided to bring this claim for judicial review as a co-claimant. I do not wish to be a bystander in the face of this "*looming catastrophe for mankind*" (words of Sir David King).<sup>6</sup>

#### Costs

11. I understand that the costs recoverable from me in the event that this claim is unsuccessful, are limited by the Aarhus rules, which the Defendant accepts apply to this case.
12. Aside from the concerns that I identify above, my decision to bring this claim as a co-claimant is based on: (a) my understanding that my notional costs liability in the proceedings would be no greater than £5,000; and (b) on the expectation that such funds will be raised through crowdfunding on the CrowdJustice website. I understand that I may be liable for some limited costs up until the point of any such withdrawal, and Plan B will provide me with an indemnity in respect of any such costs if they cannot be funded by Crowdfunding.


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<sup>6</sup> See <https://www.thegwpf.com/30072/> (accessed on 21 November 2017).

13. For the benefit of the Court, I set out a financial schedule and related information in accordance with CPR Rule 45.2 in a confidential annex to this witness statement.

**STATEMENT OF TRUTH**

I believe that the facts in this witness statement are true.

Signed .....  .....

Jeffrey Bernard Newman

Dated ..... 1 December 2017 .....