Press release: for immediate release

High Court refuses application for Judicial Review. Plan B and *Global Majority vs* to appeal.

The High Court has rejected a legal action against the Government's failure to take appropriate action in the face of the climate crisis, implicitly accepting the Government's position that any discriminatory impacts of its climate policies would be "objectively and reasonably justified." The Claimants, the climate litigation charity Plan B, and three young people from Global Majority Vs, will now renew their application, which will be heard in open court.

In a short written judgment, Mr Justice Cavanagh held that the claim was procedurally flawed, on the grounds that four of the five Claimants were "not properly represented", despite the well established principle that people have the right to self-represent before the courts.

Tim Crosland, the Director of Plan B, and one of the claimants, said:

> **"It's surprising that a High Court Judge should refuse a claim on the basis that litigants in person have not instructed external lawyers. Given the massive cuts to legal aid, only a tiny minority of the population can afford to pay lawyers to bring**

> **legal action in defence of their rights. The effect of this judgment, if upheld, would be to render the legal rights of the vast majority unenforceable and therefore meaningless."**

Further, the judge ruled that, even if the Claimants were right on the facts, ie that the UK Government is failing to take the action necessary to meet its own domestic and international legal obligations on climate change, that would still be insufficient to mount a legal claim:

> **"This case is concerned with a field of political choice and policy decision-making in respect of which the Government has a wide margin of discretion. It is not arguable that the decisions and actions that have been taken or that are being proposed go beyond what is permitted within the margin of discretion."**

Mr Crosland said:

> "**The judge's position seems to be that even where there is unequivocal expert evidence that the UK Government is failing to do enough to protect its people from the climate crisis, and actively investing in policies that expose Britain and the wider international community to intolerable risks of disaster, that that is beyond legal challenge: if the UK Government wishes to drive its people to destruction it has a discretion to do so. That position is inconsistent with the demands of a rights-based democracy and inconsistent with the rule of law. If the Government does not have an obligation to safeguard its people, then there is no basis for the social contract. We will appeal this ruling, which risks making the court complicit in the climate crisis that's enveloping us."**

The case is being led by three young British Citizens, Adetola Onamade (24), Jerry Amokwandoh (22) and Marina Tricks (20), who have family in Afrika and Abya Yala (the Americas, including the Caribbean and Latin America), regions of the world already experiencing extreme disruption from climate and ecological breakdown. They argue that, as young people, with families in the Global South, the Government's failure to take practical and effective measures to mitigate and adapt to the climate crisis is a discriminatory and disproportionate interference with their rights to life and to family life.

It is widely recognised that while the high consuming lifestyles of a minority are largely responsible for the climate crisis, those who have contributed least (the young and the low consuming) are being left to pay the highest price.

Yet, while publicly committing to the Paris Agreement ahead of COP26, the Government's legal response adopts a careless approach to the younger generation and all those on the frontline of the crisis, in the UK and around the world:

> **"Any inadvertent and indirect discriminatory impacts would … be objectively and reasonably justified, if they could be established by the Claimants."[1]**

The Government does not explain what that justification would be: the implication is that the younger generation and the Global South can be treated as collateral damage - a price worth paying for the Government's addiction to carbon-fuelled economic "growth".

Meanwhile, the most recent report of the Climate Change Committee, the Government's statutory adviser on climate change, Chaired by Lord Deben, states:

> **"... it is hard to discern any comprehensive strategy in the [Government's] climate plans we have seen in the last 12 months. There are gaps and ambiguities. Climate resilience remains a second-order issue, if it is considered at all. We continue to blunder into high-carbon choices. Our Planning system and other fundamental structures have not been recast to meet our legal and international climate commitments."[2]**

Esther Stanford-Xosei, Stop the Maangamizi: We Charge Genocide Ecocide Campaign said:

> **"This decision of the British legal establishment raises fundamental questions about whose courts, whose law and whose justice? Rather than being a disappointment, this predicted yet unjust ruling is reinforcing what we have always known about the necessity for 'legal repairs' due to the coloniality of such legal institutions. Our 'law as resistance' approach to this case provides fresh impetus to expedite our parallel work of building the political will to establish new legal institutions that can truly serve the unmet justice needs of the Global Majority; such as our longstanding advocacy in furtherance of establishing the Ubuntukgotla Peoples International Tribunal for Global Justice."**

A spokesperson and activist of the Global Majority Vs. campaign said:

> **"The UK court's position represents the ongoing criminality of the British Establishment to the Majority World. The ruling is a vindication of the historic fight for freedom of all colonised peoples in the UK and throughout Afrika, Abya Yala, and Asia. UK courts have never represented justice for the vast Majority, and our peoples, and they are proving themselves incapable of settling justice between the establishment minority and the Global Majority. This is another signal to the true justice of all those fighting in defence of their human rights from Puebla to**

[1] See paragraph 103 of the Response
[2] See page 6 of the CCC's recent Progress Report to Parliament (the Joint Foreword)

Ogoniland to Ablodeduko to New Delhi to the UK."

Jerry Kobina Amokwandoh, youth co-claimant and co-cordinator of the Global Majority Vs. Campaign said:

> **"They have argued that our rights, human rights of Global Majority peoples, are not 'arguable' in courts. The British Establishment is continuing to deny the human rights violations that all peoples of the Global Majority here and internationally know: from the destroyed livelihoods of flood-hit communities around Kaneshie Market, Accra or Dadevikope, Volta Region, or here in the UK, to those who have had their livelihoods destroyed by the Government and Court's criminal negligence and deliberate failure to stop corporations extracting fossil fuels from our ancestral lands displacing and harming our families. This is complicity in genocide. This is why our peoples must establish our own courts - our ancestral struggle continues until everyone sees the system is incapable of justice."**

Notes for editors

1. The Court's ruling, which was made without a hearing in court, is here
2. The Claimants have the right to renew their application in open court, and will file their appeal later this week. The court hearing is likely to take place within the next few months.
3. There are four distinct grounds to the Claimant's case relating to the Government's failure to take practical and effective measures to i) meet its own emissions reduction targets; ii) adapt to the impacts of climate change; iii) align finance flows to the Paris Agreement temperature goal of limiting warming to 1.5˚C; and iv) provide compensation for those suffering loss and damage.
4. The case has a "sister case" in Guyana, brought by a young indigenous activist and University lecturer in Guyana which challenges whether the massive greenhouse gas emissions from Exxon's planned oil buildout are compatible with the right to a healthy environment as guaranteed by the Guyanese Constitution.
5. Tim Crosland's appeal against the Supreme Court's ruling of contempt of court against him, over breach of the embargo on the Heathrow Judgement, will be heard by 5 Supreme Court judges on 18 October and live-streamed: https://www.supremecourt.uk/visiting/michaelmas-term-2021.html

For further info
info@planb.earth
07795 316164
W planb.earth
T @PlanB_earth
F @ThereIsAPlanB