



## ***Young People vs UK Gov***

**Launch 12 December 2020**

**FAQs**



**The Government knows this is a climate emergency. *So where's the Emergency Plan?***

**#IAmWitness #RightToLife #Stop4CGenocide**

***“But, distressingly, [Aviva’s] analysis ... said the FTSE 100 index as a whole is heading towards 3.9 degrees”, Emma Howard Boyd, Chair of the Environment Agency, October 2020***

## **FAQs**

[What’s happening on 12 December?](#)

[Didn’t you already send a letter before action?](#)

[So what’s changed?](#)

[Didn’t Boris Johnson just publish a Ten Point Plan?](#)

[Why can’t we go straight to Court?](#)

[What is our goal?](#)

[Why “the right to family life”?](#)

[What are the Government’s own experts saying?](#)

[What does 4°C warming imply?](#)

[Who’s bringing the case?](#)

[Who’s the action against?](#)

[When will the case get to court?](#)

[How long will it take?](#)

[What are the prospects of success?](#)

[What can I do to help?](#)

[A message from the co-claimants](#)

## **What’s happening on 12 December?**

On 12 December, the UK Government, together with the UN and France, will host the *“Climate Ambition Summit 2020”* to mark the 5th anniversary of the Paris Agreement.

Boris Johnson will claim the event as a symbol of the UK’s “global climate leadership”. **But how can the Government provide “global leadership” through COP26 and the G7 without first confronting the UK’s own complicity in the crisis?**

We will mark the occasion by sending him (and the Chancellor, Rishi Sunak) a “letter before action”, the first formal step in the legal process.

The Government knows there is a climate emergency. It knows there is an unprecedented threat to the lives of current and future generations, with young people and the Global South on the frontline. It knows recovery from COVID-19 presents a one-off opportunity to avert disaster.

But it has failed to produce a plan to reduce the UK’s emissions in line with its legal obligations. It has failed to prepare for the crises to come. And it has failed to control the City of London’s

role as a world-leading financier and profiteer of destruction. The Government knows what needs to be done, but it's not doing it.

The Government's complicity is a violation of its legal duties to our planet, our generation and our communities (including the right to life and the right to family life, the Paris Agreement and the international law duty to prevent harm).

We do not consent to these violations. That's why we are taking legal action. To fight for our right to life - and for yours too.

### **Didn't you already send a letter before action?**

Yes, we did, back in July. Following that letter, and concerted pressure from advisers, civil society and communities of resistance, the Government's position has shifted.

Back then, the Governor of the Bank of England, Andrew Bailey, backed by the Treasury, issued a statement which sought to justify the billions of pounds of loans, without climate conditions, for fossil-fuel based companies such as the oil services companies Baker-Hughes and Schlumberger and the airlines, EasyJet, British Airways and RyanAir:

**“[T]he crisis has required hard decisions to be taken on competing priorities. The Bank's lending to companies as part of the emergency response to Covid 19 has not incorporated a test based on climate considerations. This was deliberate, because in such a grave emergency affecting this country we have focused on the immediate priority of supporting the jobs and livelihoods of the people of this country. We believe that the Bank's duty to the people of this country requires such a difficult choice to be made ...”**

This framing of COVID and climate as “competing priorities” had been pressed on the Government by industry lobbyists such as the Global Warming Policy Foundation, aiming to avoid alignment between COVID recovery funding and a rapid transition from fossil fuels.

The expert advice, both scientific and economic, urged the Government to align the objectives of economic recovery from COVID to urgent and immediate action against climate breakdown.

### **So what's changed?**

The Government no longer claims climate and COVID recovery are “competing priorities”. Their words have taken a U-turn. In October, the Department of Business, Energy and Industrial Strategy (BEIS) published a paper saying:

**“... we owe it to future generations to build back better and base our recovery on solid foundations including a fairer, greener, and more resilient global economy ...**

**The science is clear. To limit global warming to 1.5 degrees Celsius, we need to halve global emissions over the next decade ... We must scale up action to respond to the climate emergency, and the world must act together to achieve this**

**...**

**... we must align our public and private finance with the Paris Agreement, accelerating the flow of finance from high to low-carbon and resilient investments, improving access to finance especially for developing countries ...”.**

Meanwhile, our cause of action has developed beyond bailouts for polluters and specific fossil fuel investments. It is now more than 18 months since Parliament approved a motion to declare a climate and environmental emergency, with the Rt Hon Michael Gove MP, saying on behalf of the Government:

**“I make it clear that the Government recognise the situation we face is an emergency. It is a crisis, and it is a threat that we must all unite to meet ...**

**We in the United Kingdom must bear that moral and ethical challenge particularly heavily. We were the first country to industrialise, and the industrial revolution that was forged here and generated prosperity here was responsible for the carbon emissions that have driven global warming. The burden of that is borne, even now, by those in the global south, so we have a responsibility to show leadership.”**

The carbon economy remains embedded in all aspects of our society, from food and transport to pensions and other investments. Investments in the FTSE100 (i.e. the largest companies, whose securities are regulated by UK law) continue to drive us towards 4°C warming, which is genocide for the younger generation and genocide for the Global South.

The Government’s words will not protect us. Nor will targets and token initiatives. The transition to a sustainable economy required to avert disaster demands a whole-of-government **Emergency Plan**, led by the Prime Minister, and unified to plans for job creation, emerging from COVID-19. Delay will be fatal and we can not afford to wait.

Given it’s self-proclaimed role as “international climate leader”, and its Presidency of the critical UN Climate Talks in Glasgow (COP26), the Government’s failure to make a plan is a violation of its duties both to its people and to the international community.

### **Didn’t Boris Johnson just publish a Ten Point Plan?**

Yes. On 18 November, Boris Johnson published his “*Ten Point Plan for a Green Industrial Revolution*”, which says:

**“Whilst progress has been made through the Paris Agreement, current commitments will not achieve the temperature goals that were set, instead implying a devastating rise of around 3°C of warming by 2100.”**

The Government knows we're heading for environmental genocide. It knows this is the last chance. It claims to be backing a Green revolution. But we only have to **follow the money** to see their real priorities.

The Government claims the plan “mobilise[s] £12 billion of government investment” (whatever that means). According to Ed Miliband, the Shadow Business Secretary, it amounts to “*at best, £4 billion of new money over several years*”. That compares to £27 billion they confirmed in August for investment in the road network. More than £100 billion for HS2. And £16.5 billion that was announced the following day in increases for military spending. At this time of crisis, the Government intends to cut financial support for those who most need it, reducing the “aid budget” from 0.7 to 0.5% of gross national income. Meanwhile it continues to fund fossil fuel projects overseas, confirming in July £1 billion in export finance for a new gas project in Mozambique with the weak justification that “*it is not known for certain whether the Project will displace renewable energy potential or lower carbon solutions*”:

That is not a serious plan to confront the climate emergency. It is not a serious plan to save the younger generation and the Global South. It is no more than a fig-leaf to distract attention from the Government's criminal complicity.

### **Why can't we go straight to Court?**

Before filing a claim with the Court, a claimant must send a “letter before action”, setting out the basis of the claim. The ground has shifted since July and we need a new letter to reflect the updated position. The Government has 14 days to respond, but that time may be slightly extended. We should have a reply to our letter in early January 2021.

### **What is our goal?**

We seek a court order, requiring the Government to develop and implement an Emergency Plan, in accordance with its legal obligations.

The UN Human Rights Chief, Michelle Bachelet has said of the climate crisis:

**“The world has never seen a threat to human rights of this scope”<sup>1</sup>.**

Under the Human Rights Act 1998, the Government has a legal obligation to take necessary measures to counter threats to our rights. It must also prevent discrimination in the enjoyment of those rights. The Government knows we're in a climate emergency. So where's their Emergency Plan? UK capital investment is compounding the danger and driving us towards the horrors of a

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<https://www.theguardian.com/law/2019/sep/09/climate-crisis-human-rights-un-michelle-bachelet-united-nations>

4°C world, facilitated by Government policy and inaction. We refuse to be complicit in these violations and will use the legal process to uphold the law.

In accordance with the three pillars of the Paris Agreement, the Emergency Plan must set out the necessary implementation measures for:

- i) reducing domestic emissions in line with the Climate Change Act 2008 and the Paris Agreement;
- ii) adapting to the impacts of climate breakdown and supporting vulnerable communities everywhere in adapting to the impacts of climate breakdown; and
- iii) aligning finance flows and UK capital investment to human rights obligations and the Paris Agreement.

### **Why “the right to family life”?**

The Government has an obligation to pursue sustainable development, which means ensuring the needs of current generations are met without compromise to the needs of future generations. Its failure to do so is a failure to uphold the conditions necessary for the enjoyment of family life, in breach of Article 8 of the European Convention of Human Rights<sup>2</sup>.

More specifically, the Government’s failure to respect the international law duty to prevent harm to other territories, is a breach of the co-claimants right to family life (see [Who’s bringing the case?](#)).

As three of millions of diaspora peoples living in the UK, the Government’s inaction on its domestic and international climate obligations is also a violation of the rights of so many others within the jurisdiction.

### **What are the Government’s own experts saying?**

#### **i) reducing domestic emissions**

According to the most recent report of the Committee on Climate Change (the CCC), the Government’s own expert advisers:

**“Overall the Government has only fully achieved two milestones out of the 31 set out in the 2019 Progress Report.”**

In November, Chris Stark, the CEO of the CCC, said:

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<https://www.theguardian.com/environment/2020/nov/27/climate-apocalypse-fears-stopping-people-having-children-study>



**“I don’t particularly see problems [in decarbonising the economy] – what I see is an absence of a plan ...”**

*ii) adapting to the impacts of climate breakdown*

The CCC says:

**“UK plans have failed to prepare for even the minimum climate risks faced”**

*iii) aligning finance flows to human rights obligations and the Paris Agreement*

Emma Howard Boyd, the Chair of the Environment Agency, recently highlighted the trajectory of the FTSE 100:

**“But, distressingly, [Aviva’s] analysis ... said the FTSE 100 index as a whole is heading towards 3.9 degrees”**

“Distressingly” makes it sound like an accident. But the FTSE 100 reflects informed investment decisions, which are subject to UK law.

The UK Government is allowing investments in the destruction of the younger generation and the Global South.

Likewise, the Bank of England has disclosed that its corporate assets portfolio is consistent with 3.5°C warming. The Bank of England is also using tax-payer money to profit from devastation.

It is estimated that the City of London finances around 15% of global emissions<sup>3</sup>.

The Government must implement urgent regulation and legislation to align finance flows to the Paris Temperature Limit, just as it legislates against terrorist finance.

**What does 4°C warming imply?**

Aviva, the insurer, whose business is to understand risk, describes 4°C warming as the “business-as-usual” scenario<sup>4</sup> - i.e. the likely outcome of current policy. Its analysis shows the FTSE 100 as invested in that outcome. So what would 4°C warming mean?

[According to the UK Committee on Climate Change:](#)

**“ if a 4°C rise were reached, extreme consequences potentially beyond our ability to adapt would arise”**

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<sup>3</sup> <https://carbontracker.org/uk-net-zero-2050-good-intentions-but-arent-we-missing-something/>

<sup>4</sup>

<https://www.unepfi.org/wordpress/wp-content/uploads/2020/04/climate-related-financial-disclosure-2019-report.pdf>, p.14

According to [Professor Kevin Anderson](#), Tyndall Centre:

**"there is a widespread view that 4°C is:**

- **incompatible with an organised global community**
- **beyond 'adaptation'**
- **devastating to eco-systems**
- **highly unlikely to be stable (tipping points, etc.)**

**and consequently, 4°C should be avoided at 'all' costs."**

According to [Professor Johan Rockstrom](#), with 4°C warming:

**"It's difficult to see how we could accommodate eight billion people or even half of that."**

The Government outlaws terrorist funding. It has introduced measures to *"stop those involved in serious human rights abuses and violations from entering the country, channelling money through UK banks, or profiting from our economy"*.<sup>5</sup>

So why does it permit the City of London to finance the destruction of young people and the Global South?

### **Who's bringing the case?**

The case is being led by three young British Citizens, Jerry Amokwandoh (22), Adetola Onamade (23) and Marina Tricks (19), 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. The Government's failure to plan is a breach of their right to life, their right to family life, and the prohibition of discrimination in the enjoyment of those rights. This case is being brought in solidarity with the Global Majority and young people everywhere who are demanding dignity in a world of Global Injustice.

They are being supported by the climate litigation charity, *Plan B. Earth* (<https://planb.earth/>), which brought the successful legal challenge against the Government's proposed expansion of Heathrow Airport. They are also being backed by the *Stop the Maangamizi: We Charge Genocide/Ecocide!* Campaign (<https://stopthemaangamizi.com/>).

### **Who's the action against?**

We are bringing the action directly against Boris Johnson, the Prime Minister, and Rishi Sunak, the Chancellor of the Exchequer. That's because the whole-of-government, whole-systems

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<https://www.gov.uk/government/news/uk-announces-first-sanctions-under-new-global-human-rights-regime>



approach that is required depends on leadership from these two offices. It is also because Boris Johnson chairs the Cabinet Committee on Climate Change, which directs the UK's national and international climate strategy.

### **When will the case get to court?**

Assuming the Government doesn't respond to our letter committing to an emergency plan, as it is required to do by law, then we will take them to court. While the court system is experiencing delays, we will expect a court hearing in the first part of 2021.

### **How long will it take?**

That's difficult to say. With our friends, families and communities in such grave danger, we will fight our case to the end. Since the case concerns our fundamental rights, if the UK courts don't back us, we will take it to the European Court of Human Rights in Strasbourg. So it could be years rather than months before the case is complete.

### **What are the prospects of success?**

This action is part of a growing international movement of climate litigation, as grass-roots activists hold their governments to account through the courts. As long as we come together and stay together in defence of our right to life and our communities, we cannot fail. Legal precedents from Pakistan<sup>6</sup> to the Netherlands<sup>7</sup> show we can succeed. In December 2019, for example, the Dutch Supreme Court held:

***“Climate science has ... arrived at the insight that a safe warming of the earth must not exceed 1.5°C and that this means that the concentration of greenhouse gases in the atmosphere must remain limited to a maximum of 430 ppm. Exceeding these concentrations would involve a serious degree of danger that the consequences referred to in 4.2 [which includes the loss of human life] will materialise on a large scale ... the Supreme Court finds that Articles 2 and 8 ECHR relating to the risk of climate change should be interpreted in such a way that these provisions oblige the contracting states to do ‘their part’ to counter that danger.”***

The Philippines Human Rights Commission has emphasised the role of Governments in regulating corporations to fulfil their human rights obligations over climate. And the European Court of Human Rights has recently prioritised a climate case brought by 6 young Portuguese claimants. The Government accepts there's an emergency threatening current and future

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<sup>6</sup>

<https://www.climatechangenews.com/2015/09/20/pakistan-ordered-to-enforce-climate-law-by-lahore-court/>

<sup>7</sup>

<https://www.theguardian.com/world/2019/dec/20/dutch-supreme-court-upholds-landmark-ruling-demanding-climate-action>

generations. Independent advisers make it clear the Government has no real plan. The Court should recognise that as a failure of the Government's most important duty.

### **What can I do to help?**

Now is the time to stand together to demand that our lives and life on earth are prioritised over corporate profit and greed.

Plan B will bring this case *pro bono* so we don't need funds for our own lawyers. But we need to cover our potential costs liability (we estimate this at £25,000) and raise funds for outreach and campaign materials (approximately £15,000). On 12 December, at 8am, we will launch a Crowdfunder, which will be accessible [here](#). Early momentum is critical so please contribute and share early if you can.

More importantly, we need you to engage with this case and to get behind us, however you can. Please share information about it, by word of mouth, social media and any other available means.

You can also record and submit your own 60 second witness statement, bearing witness to how the Government's inaction on the Climate is a violation of the rights of you, your family, and/or your community. Instructions can be found [here](#).

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#RightToLife #IAmWitness #Stop4CGenocide

#ClimateEmergency #FollowTheMoney #PlanetRepairs

#Frontline #YoungPeopleVs #GlobalMajorityVs

This case only succeeds if it helps to connect communities of resistance against the systematic exploitation and destruction of people and life on earth.

For further information, please contact [youth@planb.earth](mailto:youth@planb.earth) or [tim@planb.earth](mailto:tim@planb.earth)

## **A message from the co-claimants**

### **Let's face it, the Government is killing us and our families**

*They sell out our health and our future for the fortunes of the few. We are the collateral damage. Covid has shown life can change in a heartbeat. It could be any of us - but workers, racially marginalised communities and young people are all on the frontline.*

### **And they're not going to stop**

*Because they serve the polluters and their shareholders, who trade in crisis, debt and destruction to profit from pain*

### **They give us no choice**

*Boris Johnson knowingly funds 4°C warming - and that's genocide for our generation, for Afrika, Asia, Abya Yala (the Americas, including the Caribbean and Latin America), all small island states and all indigenous communities everywhere. We refuse to be complicit in this criminal violation.*

### **So, we must stand up now for the right to life**

*And as we do, we do it together - and realise our power to make things change.*

*We care for each other during lockdowns and we are keeping this spirit alive. From South to North and across generations, we must support our communities and initiatives for planet repairs - and fund those instead of our annihilation.*

*The Government is violating their legal obligations to safeguard rights to life and to family life and their international law duty to prevent harm. We do not consent to the violation. That's why we're taking them to court. To fight for our right to life - and for yours too.*

*Please stand with us.*