

Lord Reed
President of the Supreme Court of the United Kingdom
Parliament Square
London SW1P 3BD
enquiries@supremecourt.uk

Cc
Rt Hon Alok Sharma MP, President COP26
Rt Hon Michael Ellis QC MP, Attorney General
Mr. Tim Crosland, Director, Plan B.Earth

Re. Humanity's Lifeline: the Paris Agreement Temperature Limit

March 30, 2021

Dear Lord Reed:

We write concerning the Supreme Court's decision last December, which ruled that the Government's policy in support of Heathrow expansion was lawful, despite the Government's failure to take into account the Paris Agreement's agreed temperature limits which constitute a key part of its architecture.¹

There was uncontested evidence before the Court that:

- The expansion of Heathrow Airport would lead to around 40,000,000 tonnes of carbon dioxide emissions from UK aviation by 2050²;
- That in order to meet the Paris Temperature Limit (ie 1.5°C and "well below" 2°C), carbon dioxide emissions would need to be "net zero" before 2050³; and that
- Breaching the Temperature Limits prescribed in the goals of the Paris Agreement would have dire implications for humanity, in particular for the younger generation and the Global South.

The Government did not explain how the expansion of Heathrow Airport could be reconciled with the goals agreed in Paris by every country in the world. To the contrary, it argued that the Paris Agreement was "not relevant"⁴. Chris Grayling MP, the Transport Minister at the time, relied instead on the historic 2°C temperature limit, rejected by governments (including the UK

¹ See R (on the application of Friends of the Earth Ltd and others) (Respondents) v Heathrow Airport Ltd (Appellant) [2020] UKSC 52

² See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf, p.107, Table 36

³ See Court of Appeal judgement, para. 207: https://www.judiciary.uk/wp-content/uploads/2020/02/Heathrow-judgment-on-planning-issues-27-February-2020.pdf?fbclid=IwAR3OQKZgQ_Wd41jVtcxrBimnVuqWMogMaPXgi1JYWrAA6XCF3lqhZL1uowQ

⁴ *Ibid.* para. 186

Government) in December 2015. The Court of Appeal ruled that approach unlawful, on the basis that it was the Government's own policy to uphold the Paris Agreement - including its globally agreed temperature limits which are based on impeccable science:

“It is clear ... that it was the Government's expressly stated policy that it was committed to adhering to the Paris Agreement to limit the rise in global temperature to well below 2°C and to pursue efforts to limit it to 1.5°C.”⁵

Reversing the Court of Appeal's decision, the Supreme Court held that the Paris goals could not be regarded as Government policy (despite the fact that the Government itself had accepted the Court of Appeal's ruling⁶). Consequently, the Court held that there was no requirement on the Government to take the Paris goals set out in Article 2 into account.⁷

We urge you to consider the grave implications of this judgment. The highest court in the United Kingdom has set a precedent that major national projects can proceed, even where they are inconsistent with maintaining the temperature limit on which our collective survival depends. Indeed, the precedent goes further still. It says that the Government is not bound even to consider the goals of an Agreement that is near universally agreed. Not only does that undermine the UK's status as a “champion of the Paris Agreement,” just ahead of the critical climate talks in Glasgow later this year (COP26). It also substantially reduces humanity's prospects of maintaining that limit and hence, averting disaster.

The rule of law, including international law, is a vital part of the fabric of a democratic society and it is key to securing the safety of our interconnected world. We understand why Tim Crosland of Plan B. Earth felt it necessary to raise the alarm about the goals of the Paris Agreement being ignored by British courts. We remind the Court of its own obligations under the Human Rights Act 1998 to safeguard the right to life. That entails taking all reasonable measures to ensure respect for the entirety of the Paris Agreement.

The climate crisis jeopardizes civilization and the natural world alike, with those who have contributed least to the crisis, the younger generation and the Global South, on the frontline. With all that is at stake, in the UK and beyond, we urge the Court to take appropriate steps to mitigate the profound harm its judgment has caused and to consider the actions of Tim Crosland in this light.

Yours sincerely,

Daniel M Galpern, General Counsel and Executive Director, Climate Protection and Restoration Initiative (United States) [To whom inquiries may be directed: dan.galpern@protonmail.com]

⁵ *Ibid.* para. 212

⁶ It was only the Interested Party, Heathrow Airport Limited, which brought the appeal

⁷ Supreme Court judgment, para. 112: <https://www.supremecourt.uk/cases/docs/uksc-2020-0042-judgment.pdf>

Farhana Yamin, Lawyer & Adviser to the Republic of the Marshall Islands for the Paris Negotiations, 2013-2018

Dr Margaretha Wewerinke-Singh, Assistant Professor at the Grotius Centre for International Legal Studies (Leiden University) and Adjunct Senior Lecturer at the Pacific Centre for Environment and Sustainable Development (University of the South Pacific)

Antonio Oposa Jr., Environmental Lawyer, The Philippines
Normandy Chair for Peace
Ombudsman for Future Generations

Dr Natalie Jones, Research Associate, Centre for the Study of Existential Risk, University of Cambridge. PhD in International Law, UK

Paul Powlesland, Barrister, Garden Court Chambers, UK

Sir David King, Emeritus Professor of Chemistry, University of Cambridge; Founder and Chair of the Centre for Climate Repair in the University; Former UK Govt CSA, 2000-7; FCO Climate Envoy, 2013-17

Conrado Hubner, Professor of Law, Brazil

Melinda Janki, Lawyer, Director Justice Institute Guyana, Guyana

James Hansen, Director, Climate Science, Awareness and Solutions program, Columbia University, United States

Caroline Lucas, Member of Parliament for Brighton, Pavilion, UK

Jeffrey D. Sachs, University Professor at Columbia University, United States

Ralph Regenvanu, Leader of the Opposition, Vanuatu

Dennis van Berkel, legal counsel Urgenda Foundation, Netherlands

Marie Toussaint, Lawyer, Founder of Notre affaire à tous, Green Member of the European Parliament, France

John McDonnell, Member of Parliament for Hayes and Harlington, UK

Dr. Andrew Jackson, Assistant Professor, UCD Sutherland School of Law, University College Dublin; Solicitor, O'Connell and Clarke, Ireland

Alfred Lahai Gbabei Brownell Sr, Lead Campaigner and Founder/Green Advocates International, Liberia

Joana Setzer, Assistant Professor, London School of Economics, UK

Bill McGuire, Professor Emeritus of Geophysical & Climate Hazards, UCL, UK

Korey Silverman-Roati, Climate Law Fellow at the Sabin Center for Climate Change Law, United States

Gabriela Vega Téllez, Coordinadora De Pueblos y Organizaciones del Oriente del Estado de México en Defensa de la Tierra, el Agua y Su Cultura (CPOOEM), Mexico

Femi Falana, Senior Advocate of Nigeria (SAN), Legal Practitioner, Nigeria

Dr Jason Hickel, Goldsmiths, University of London, UK

Diana Kaissy, Executive Director of Lebanese Oil and Gas Initiative (LOGI), Lebanon

John W. Birks, Professor Emeritus, Department of Chemistry, University of Colorado, Boulder, United States

Stuart Russell, Monitoring Committee on Attacks on Lawyers, International Association of People's Lawyers, France

Kiu Jia Yaw, Deputy Co-Chair, Malaysian Bar Council Environment & Climate Change Committee, Malaysia

Dr Gearóid Ó Cuinn, Director, Global Legal Action Network (GLAN), Ireland/UK

Dr Gail Bradbrook, Extinction Rebellion, UK

Esther Stanford-Xosei, Stop The Maangamizi Campaign, UK

Prof. Rupert Read, Philosophy, Univ. of East Anglia, UK

Mark Lynas, Climate writer, UK

Samantha Hargreaves, WoMin African Alliance, South Africa

Hasminah D. Paudac-Tawano, Litigation, Development, and Environmental Lawyer, Private Practitioner, Philippines

Clive L. Spash, Professor of Public Policy & Governance, Ecological Economist, WU Vienna University of Economics and Business, Austria

Rebecca Gibbs, Policy Analyst, UK

Kofi Mawuli Klu, Community Advocate, PARCOE, UK

Emily Shirley, Lawyer & Director Kent Environment & Community Network, UK

McKenzie Johnson, Assistant Professor of Natural Resources & Environmental Sciences, University of Illinois at Urbana-Champaign, USA

Simon Taylor, Co-Founder & Director, Global Witness, UK

Mark Campanale, Chair, the Carbon Tracker Initiative, UK

William Rees, Professor Emeritus, University of British Columbia, Canada

Rabbi Jeffrey Newman, Emeritus Rabbi, Finchley Reform Synagogue, UK

Red Constantino, Institute for Climate and Sustainable Cities, Philippines

Dr Aaron Thierry, Cardiff University, UK

Nabil Ahmed, Founder, INTERPRT, Norway

James Ninrew Dong, Reverend with Presbyterian Church of South Sudan, South Sudan

Livia Trabulsi Rossi, Lawyer, UK

Donald Brown, Scholar in Residence. Sustainability Ethics and Weidener University
Commonwealth Law School, USA

Stephen Leonard, President, Climate Justice Programme, Global

Solomon Yeo, Activist, Solomon Islands

Donn Viviani PhD, USEPA (retired), United States

John MacKnight Fitzgerald, Public Interest Attorney and Advocate, and Counsel to Methane
Action, USA

Dr Stuart Capstick, Deputy Director, Centre for Climate Change and Social Transformations,
Cardiff University, UK

Scott Archer-Nicholls, Postdoctoral research associate in atmospheric science, University of
Cambridge, UK

Peter Knapp, Air quality researcher, Imperial College London, UK

John D. Albers, Shay Law, Ltd., specializing in energy, utility, and regulatory law, United States

Dr. Will Frank, Lawyer, pro bono adviser for GERMANWATCH, Germany

Dr Andrew Boswell, Independent Scientist, Activist & Consultant, Climate Emergency Planning
and Policy, UK

Dr Tom Barker, Graduate School of the Environment, Centre for Alternative Technology, UK

Jeremy E Sherman, PhD, Science writer, United States

Dr Mayer Hillman, Senior Fellow Emeritus, University of Westminster

Lorena Ruiz-Huerta García de Viedma, Lawyer at Greenpeace Spain, España

Ted Hamilton, Attorney, Climate Defense Project, USA

Jose Miguel Luis Valencia Mulkay, ECOMUNIDADES, Red Ecologista Autonoma de la Cuenca de México, México

John Whiting, Honorary Treasurer, Global Commons Trust, UK

Juan Auz, Researcher and Lawyer, Germany and Ecuador

Alex Marquardt, Co-Founder and Staff Attorney, Climate Defense Project, USA

Mariya Lobacheva, NGO Echo, Kazakhstan

Charlie Tebbutt, Environmental Lawyer, USA

Dr. Benjamin Franta, Director of Accountability Research, Climate Social Science Network, USA

Osie Adza Tekpor, Paramount Chief, Ghana

Kim Bouwer, Academic, England

Colin Tinto, Freelance legal adviser on anti-corruption and natural resource governance, UK

Linda Siegele, Environmental lawyer and academic, UK

Feja Lesniewska, Eco/systems Legal Academic, UK

Doreen Stabinsky, Professor of global environmental politics, USA

Dean Wallraff, Climate Attorney, Cool World Institute, USA

Andy Gheorghiu, Campaigner & Consultant / Andy Gheorghiu Consulting, Germany

Kassia Siegel, Director, Climate Law Institute, Center for Biological Diversity, USA

Miles Litvinoff, Writer, campaigner and consultant, UK

Ray Stewart, Reclaim the Power, UK

Maryam Safe, Art Historian/ Anthropologist, UK

Issias Yohanes, Architect Anthropologist, UK

Nicola Frith, Senior Lecturer, University of Edinburgh, UK

John Childs, Senior lecturer, UK

Simon Hoyte, Anthropology, UCL, UK

Delphine Grass, Lecturer, UK

Aleksandra Mecinska, Lecturer, UK

Colin McQuistan, Head of Climate and Resilience, Practical Action, UK

Dr Michael Anyetei, Managing director, Ghana railway company, Ghana

Karolina Follis, Lancaster University, UK

Anne Kling, Research Fellow, Germany

Mira Kapfinger, Coordinator and International Co-Founder, Stay Grounded, Austria

Stephen Clarke, Retired Solicitor advising Bristol Airport Action Network, UK

Gilliane Le Gallic, Alofa Tuvalu NGO, France

Michael Flörsheimer, BBI - Bündnis der Bürgerinitiativen, Germany

Almuth Ernsting, Biofuelwatch, UK

Dr. Shaibu Bawa, Highway Engineer, SB Consult, Ghana

David Hillman, Director, Stamp Out Poverty, United Kingdom

Kenneth Nana Amoateng, AbibiNsroma Foundation, Ghana

Dylan Hamilton, Fridays For Future Scotland, Scotland

Malcolm Macqueen, Chartered Chemist, UK

David Somervell, Convener of Transition Edinburgh, Scotland

Scott Ainslie, Councillor, UK

Gwen Vardigans, York Unite Community, UK

Todd Smith, Airline Pilot - 'Safe Landing', UK

May Armstrong, Youth Climate Activist with Fridays For Future Scotland, UK

Stephen Gray, Chartered Member of the Royal Town Planning Institute, UK

Mark Carter, Flight Free Australia, Australia

Lola Perrin, ClimateKeys, UK

Dr Helen Hutchinson, Retired sociologist/FlightFree Australia, Australia

Astrid Puentes, co-Executive Director, Asociación Interamericana para la Defensa del Ambiente (AIDA), Latin America

Ray Stewart, Reclaim the Power, UK

Toni Cottee, RisingTideUK, UK

Finlay Asher, Aerospace Engineer / IMechE, UK

Cathel de Lima Hutchison, Glasgow Calls Out Polluters, Scotland

Clifton Ware, Citizens for Sustainability--Minnesota, USA

Dave Hampton MA (Cantab), Founder, Champions for Earth (the carbon coach), UK

Brian McGavin, Writer, media professional, geopolitical and environmental analyst, UK

Mathis Wackernagel, Ph.D. Founder of Global Footprint Network, USA

William Dowling, Director, Scientists Warning Europe, UK

John Newton (FRES), Research Entomologist (retired), UK

Wilfred Candler, Retired, was a Professor (with tenure), civil servant (Canadian), World-wide, New Zealand, USA, Canada

Dr Jane Fisher, Academic, UK

Melanie Strickland, Solicitor, UK

Margaret Beasley, Team Member / ScientistsWarningEurope, UK

Dr Alex Lockwood, Senior Lecturer, UK

Pamela Rosling, Trustee of Sustainable Dorset, UK

John Carter, Senior Lecturer, Centre for Alternative Technology, UK

Ian McDonald, European Rail Campaign, UK

Bryce Scott, Lecturer. Graduate School of the Environment. Centre for Alternative Technology, UK

Grace Onions, Environmental Conservationist, UK

Sue Oppenheimer, Director of Community R4C, UK

Dr. Ruth Stevenson, Senior lecturer, Centre for Alternative Technology, Wales

Tim Coleridge, Senior Lecturer, UK

Rebecca Upton, Centre for Alternative Technology, UK

Anna Hughes, Flight Free UK, UK

Frances Hill, Senior Lecturer (PhD) Centre for Alternative Technology, United Kingdom

Nelson Bonner, Member of the Board, Climate Protection and Restoration Initiative, USA

Valorie Allen, Population in Sync, Canada

Steven Earl Salmony, AWAREness Campaign on The Human Population, est. 2001, USA

Barbara Williams, <https://poemsforparliament.uk>, UK

Charles Stuart Gaunt, IT Consultant (Retired), UK