

LAWYERS ARE RESPONSIBLE

25 September 2023

Prime Minister Rishi Sunak
10 Downing Street
London
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Lawyers Are Responsible is writing to the Prime Minister regarding the legal risks of departing from the Government's Net Zero commitments and asks the Prime Minister to reconsider his position and the Government's decision to offer new oil and gas licences

We write in connection with the Government's decision to offer more than 100 new licences for oil and gas extraction in the North Sea as well as its continued policy of approving new oil and gas fields.¹

As lawyers, we wish to add ours to the chorus of voices – which includes scientists, academics, businesses and MPs (including Conservative MPs) – **asking you to reconsider your position.**

We also write to express our concern about the Government's politicising of the need to take action to address climate change.

¹ Including Rosebank, the UK's largest oil and gas field which experts say would cost the UK £3.75 billion in tax breaks, take us over the remaining oil and gas budget for 1.5°C by producing 200m tonnes of CO² and harm the rare and delicate marine ecosystem, see *Stop Cambo*, 'Everything you need to know about the Rosebank oil field', 5th April 2023, available at <https://www.stopcambo.org.uk/updates/everything-you-need-to-know-about-the-rosebank-oil-field> and the sources cited therein, and *BBC News*, 'Rosebank: MPs and Peers urge Grant Shapps to block new oil field,' 3rd August 2023, available at <https://www.bbc.co.uk/news/uk-politics-66396048>. Critically, there is no evidence to say that development of the field will provide energy security to the UK.

New oil and gas licences

We do not believe the recent decision on extraction licences or the approval of new oil and gas fields safeguards the interests of the people of the United Kingdom.

The Intergovernmental Panel on Climate Change AR6 synthesis report, summary for policymakers, was published on 20 March 2023 (SPM).² Such summaries are approved by the governments of states who are members, including the UK Government. The SPM provided authoritative confirmation that there can be no expansion of fossil fuel infrastructure, if global heating is to be limited to 1.5°C. In fact, projected CO2 emissions from existing fossil fuel infrastructure without additional abatement will exceed the remaining carbon budget for 1.5°C (Section B5).

You have said that domestic oil and gas is cleaner and has a smaller carbon footprint than imported oil and gas. Experts in the field contest this.³ Crucially, the choice before us is not *where* to source our fossil fuels; the choice is *whether* to reduce our reliance on fossil fuels (and *how*). Only a significant reduction will permit the UK to meet its legally binding commitments (under the Paris Agreement on Climate Change and under relevant domestic legislation) to reaching net zero by 2050.

You have said producing more oil and gas domestically will reduce bills for consumers. Again, experts in the field do not agree.⁴ There are no restrictions on the export of oil and gas extracted under these licences, nor is there a mechanism for capping the price at which they can be sold. This is a decision that will have only negative environmental impacts without material economic or energy security benefits.

Even if this were a decision which benefited citizens of the UK in the short-term (which we refute), it is to their substantial detriment in the long-term. Extreme heat, flooding and other increasingly common extreme weather events threaten not only people's

² *Synthesis Report of the IPCC Sixth Assessment Report (AR6)*, available at: https://report.ipcc.ch/ar6syr/pdf/IPCC_AR6_SYR_SPM.pdf

³ See for e.g. *Letter: Climate Compatibility of New Oil and Gas Fields* from the Climate Change Committee to the Rt Hon Kwasi Kwarteng MP, available at: <https://www.theccc.org.uk/publication/letter-climate-compatibility-of-new-oil-and-gas-fields/>

⁴ See for e.g. *Why drilling for more fossil fuels won't bring UK energy security or cut prices*, Carbon Tracker, 2 Sept 2022, available at <https://carbontracker.org/why-drilling-for-more-fossil-fuels-wont-bring-uk-energy-security-or-cut-prices/>

lives and health, but their ability to proceed with their personal and professional lives without disruption.⁵

As Prime Minister you have assumed an obligation to protect the life, health, security and prosperity of the citizens of this country. All of those are under threat as a result of climate and ecological breakdown.

In October 2021, the UN Human Rights Council adopted a historic resolution (A/HRC/RES/48/13) recognising the human right to a clean, healthy and sustainable environment.⁶ The UK is of course one of the appointed 47 member nations to the Council and voted in favour of this resolution. This decision therefore risks undermining the human rights of the citizens you have committed to protect (to say nothing of the human rights of people around the world).

There is increasing international attention on the actions of states in responding to and furthering the climate crisis. Litigation and legal developments which will directly impact upon the obligations of the UK is currently before:

- the European Court of Human Rights, in three cases raising violation of the right to life and to private and family life, as well as discrimination against minority groups due to failure to mitigate the climate crisis;⁷
- the International Court of Justice, pursuant to the UN General Assembly's request for an advisory opinion. This action considers the obligations of states under international law to ensure the protection of the climate and environment and the legal consequences for causing harm;⁸

⁵ We note that the increased likelihood of extreme weather events and disruption was commented on in the Government's own *Net Zero Strategy: Build Back Greener*, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf

⁶ Available at <https://digitallibrary.un.org/record/3945636> The UN General Assembly adopted the resolution in July 2022 (A/RES/76/300), available at <https://digitallibrary.un.org/record/3983329?ln=en>

⁷ See UN Climate Litigation Report, pages 34 and 35 and the cases of *Duarte Agostinho and Others v. Portugal and 32 Other States* in which the UK is a party; *KlimaSeniorinnen v. Switzerland*; and *Greenpeace Nordic v Norway* (which concerns continued oil exploration by the Norwegian State); and Press Release of the European Court of Human Rights, 'Forthcoming hearing in September: *Duarte Aghostino and others v Portugal and 32 others*', 31.08.23, available at <https://hudoc.echr.coe.int/eng-press?i=003-7559178-10387331>

⁸ See <https://www.icj-cij.org/sites/default/files/case-related/187/187-20230419-PRE-01-00-EN.pdf>

- the International Tribunal on the Law of the Sea, pursuant to the request of the Commission of Small Island States. This action considers the obligation of states to prevent, reduce and control pollution and to protect and preserve the marine environment in relation to climate change impacts.⁹

The UN Global Climate Litigation report 2023¹⁰ identifies that, in the face of the inadequate response of nations to the challenge of the climate crisis, individuals, minority groups, NGOs, businesses, national and subnational governments are increasingly turning to the justice system to seek accountability and to effect urgent and critical change.

We note that, here in the UK, the Government has already faced a successful legal challenge to its net zero strategy and 79 cases have been brought in relation to national and local climate related decisions. In particular, the decision to commence a further licensing round for oil and gas in the North Sea is currently under challenge.¹¹

The science is clear. We need to reduce our reliance on fossil fuels decisively and rapidly. The Government's decision to authorise new oil and gas extraction stands in direct opposition to that goal at a time when robust action is critical.

Lawyers stand ready to represent the interests of society in upholding the Government's commitments to the Paris Agreement, as well as broader UN and domestic commitments to combat the climate crisis and keep global warming within 1.5°C. Rather than spending scarce resources on defending the inevitable challenges to decisions that threaten our future, the UK should seize the opportunity to be a world leader in effective climate governance through prioritising mitigation and adaption, as recommended by the Intergovernmental Panel on Climate Change.¹²

⁹ For details of the case progression see <https://www.itlos.org/en/main/cases/list-of-cases/request-for-an-advisory-opinion-submitted-by-the-commission-of-small-island-states-on-climate-change-and-international-law-request-for-advisory-opinion-submitted-to-the-tribunal/>

¹⁰ Available at https://wedocs.unep.org/bitstream/handle/20.500.11822/43008/global_climate_litigation_report_2023.pdf?sequence=3

¹¹ See <https://climatecasechart.com/non-us-case/greenpeace-ltd-v-1-secretary-of-state-for-business-energy-and-industrial-strategy-and-2-the-oil-and-gas-authority-and-uplift-v-1-ssbeis-and-2-the-oga-north-sea-oil-and-gas-licensing/>

¹² Synthesis Report 2023, section 4.7, available at https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf

Politicising climate change

As lawyers from all points on the political spectrum, we also deplore the Government's decision to politicise the need to take action to address climate change.

The need to take action to mitigate the impacts of climate breakdown is not political in nature; it is a question of science. We implore the Government not to muddy the waters and attempt to turn this matter into a partisan one. This should not be portrayed as the desire of only a specific subset of voters.

Ultimately the risks affect everyone and will not be mitigated by rhetoric, but only by concrete action.

The decision to approve these licenses and the increasing portrayal of climate change action as a partisan issue undermine the UK's role as a climate leader internationally. We urge you to remember that your own and this Government's legacy and place in history will be defined by how you responded to this crisis.

We await your early response to the grave matters we raise in this letter.

Yours faithfully,



LAWYERS ARE RESPONSIBLE

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