



New Zealand lawyers to sue Climate Change Commission

New Zealand has employed “accounting tricks” to create a target for greenhouse gas emissions cuts that looks far more ambitious than it really is.

The Climate Action Tracker (CAT) has given the country a “highly insufficient” rating. The net-zero emissions by 2050 target is enshrined in law, but the government’s policies focus too heavily on offsetting carbon overseas and through forestry, rather than on root causes such as agriculture.

The public hears from the government that our target is a 50% reduction from 2005 levels of emissions. But it has taken several creative accounting approaches that, when analyzed, show that the real emission reductions that will be achieved compared to 2005 levels is only about 22%.

These issues and others are encompassed by a group of hundreds of New Zealand lawyers suing the Climate Change Commission (CCC), alleging that its recommendations to the Minister for Climate Change violated New Zealand law and the Paris Agreement. Lawyers for Climate Action New Zealand allege that the commission’s carbon budgets are inconsistent with holding warming to 1.5°C; that it understated required emissions reductions under the Paris Agreement; that the commission unlawfully relies on the uncertain prospect of paying other countries to reduce their emissions for us. Together, these actions violated New Zealand’s Climate Change Response Act and its obligations under the Paris Agreement.

The case is to be heard in the High Court at the end of February.

First, when considering the urgent action required to limit global warming to 1.5°C, the recommended emissions reductions target by the CCC fall well short of this. Much deeper cuts in CO₂ are required on a fair share basis.

Secondly, offshore mitigation by purchasing carbon credits is seen as picking up the shortfall. But many developed countries will be chasing more carbon credits than will be available to offset their gross emissions.

Lawyers for Climate Action are bringing this case to judicial review in the public interest. Our modelled reductions, when added to other countries’ contributions would lead to a world with 3° to 4°C warming, with dramatic consequences.

The chances of successful litigation by the lawyers is increasingly likely given the certainty of consensus in IPCC reports on the nature, effects and mitigation requirements on a global scale of the facts on climate change.

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