

December 9, 2019

Re: *Canada's International Treaty Violations on Climate Change; On behalf of Greta Thunberg, Chiara Sacchi, Catarina Lorenzo, Iris Duquesne, Raina Ivanova, Ridhima Pandey, David Ackley, III, Ranton Anjain, Litokne Kabua, Deborah Adegbile, Carlos Manuel, Ayakha Melithafa, Raslen Jbeili, Carl Smith, and Alexandria Villaseñor.*

Dear Prime Minister Justin Trudeau:

I write on behalf of the 16 youth Petitioners who have brought a complaint concerning the human rights impacts of climate change before the UN Committee on the Rights of the Child against Argentina, Brazil, France, Germany, and Turkey.¹ The Petitioners wish to inform you that by increasing oil and gas production in the face of the climate emergency, Canada is violating the rights bestowed on every child in the world under the UN Convention on the Rights of the Child.

To uphold Canada's human rights obligations, as well as its international commitments to tackle climate change, the Petitioners urge you to cease new fossil fuel production and to manage the decline of existing production. Keep your oil and gas in the ground. Expanding your oil and gas production will lock in decades of greenhouse gas emissions, jeopardizing the universal rights of all children to life, health, and culture. As children, the Petitioners are the ones who will inherit the worst impacts of the climate crisis and bear the future costs of the decisions you make today.

Canada prides itself for being a climate leader. Canada is phasing out coal-fired power generation and has spearheaded international initiatives to drive political momentum behind the Paris Agreement, including the Powering Past Coal Alliance and annual Ministerial on Climate Action summit.

Yet your government continues to support the expansion of Canadian oil production, even as current policies would keep your greenhouse gas emissions above 1990 levels beyond 2030.² Canada is the world's fourth largest producer and exporter of oil, with 96 percent of exports sent to the United States.³ Its oil production is projected to increase by 60 percent between 2017 and 2040, and gas by 34 percent.⁴ To support that output, you are promoting new projects including the 1,600-kilometer Line 3 pipeline between Alberta and

¹ Our complaint is available at <https://childrenvsclimatecrisis.org/>.

² Climate Action Tracker (Sept. 19, 2019), <https://climateactiontracker.org/countries/canada/>.

³ Natural Resources of Canada, *Crude Oil Facts*, (Sept. 8, 2019), <https://www.nrcan.gc.ca/science-data/data-analysis/energy-data-analysis/energy-facts/crude-oil-facts/20064>.

⁴ 2019 Production Gap Report (Nov. 20, 2019), <http://productiongap.org/wp-content/uploads/2019/11/Production-Gap-Report-2019.pdf>.

Wisconsin, which is nearing completion and could raise Canadian oil production by 500,000 barrels per day, or 10 percent;⁵ and the 1,000-km expansion of the government-owned Trans Mountain pipeline, which would triple the pipeline's capacity.⁶

The science is clear: Any new fossil fuel production will contribute to further catastrophic and avoidable climate change. The Intergovernmental Panel on Climate Change's 2018 Special Report stated that global emissions must peak by 2020 and decline by at least 50 percent by 2030 in order to stay within a 1.5°C temperature rise. Any additional warming, it said, would lead to millions more deaths and trillions of US dollars' worth of additional damage. As the Procurator General of the Netherlands recently recognized in the case *Urgenda Foundation v. The Netherlands*, every increase of emissions contributes to the increase of global warming, just as "every reduction of emissions" contributes "to the reduction of global warming."⁷ This is especially true when Canada's increased emissions add to those of other states.

The Petitioners hail from the Marshall Islands, Palau, the United States, Brazil, Argentina, France, Germany, Tunisia, Nigeria, India, Sweden, and South Africa. They are experiencing firsthand the threats that come with every fraction of a degree of global warming. Forest fires have burned their homes and poisoned their air; their exposure to infectious diseases is rising; their water supplies are threatened and limited by drought; storms have flooded their homes and schools; rising sea levels are drowning their homelands; and changing temperatures are destroying their food sources and threatening indigenous traditions and livelihoods.

On September 23, 2019, the Petitioners submitted a legal complaint to the UN Committee on the Rights of the Child against five G20 countries – Argentina, Brazil, France, Germany and Turkey – for perpetuating the climate crisis by failing to curb emissions and by promoting fossil fuels.

Canada, which ratified the Convention on the Rights of the Child nearly three decades ago, is bound to respect the same rights underlying these claims. Five human rights treaty bodies, including the Committee on the Rights of the Child, have recognized that "climate change poses significant risks to the enjoyment of the human rights" protected under international treaties to which Canada is a party. "Failure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm," may constitute a violation of a state's human rights obligations, the committees stated. To comply with these treaties, they added, nations must "adopt and implement policies aimed at reducing emissions, which reflect the highest possible ambition" and "ensure that *public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development.*"

⁵ Clifford Krauss, *Flood of Oil is Coming, Complicating Efforts to Fight Global Warming*, The New York Times (Nov. 3, 2019), <https://www.nytimes.com/2019/11/03/business/energy-environment/oil-supply.html>.

⁶ *Trans Mountain: Canada approves \$4.5bn oil pipeline project*, BBC (June 18, 2019), <https://www.bbc.co.uk/news/world-us-canada-48641293>.

⁷ Conclusions of the Procurator General, *Urgenda Foundation v. The Netherlands*, No. 19/00135, Oct. 8, 2019.

That means all countries — including Canada — must “effectively contribute to phasing out fossil fuels.” Canada’s expansion also contradicts its commitment to the Paris Agreement, which set the global goal to reach net-zero emissions by mid-century and which Canada ratified in 2016. A domestic target for net-zero emissions by 2050, as Prime Minister Justin Trudeau promised in his 2019 campaign,⁸ would further preclude any new fossil fuel production.

The climate emergency is here. Our house is burning, now. The world is headed towards 3.2°C of warming.⁹ The 2019 Lancet Countdown report concluded that “the life of every child born today will be profoundly affected by climate change . . . in a fundamentally altered world.” Additional global warming will affect “human health from infancy and adolescence to adulthood and old age.” Rising air pollution will cause more deaths and damage to hearts, lungs, and other vital organs. Infectious diseases will spread. More frequent droughts and floods will threaten water supplies, undermine food production and safety and increase malnutrition.

The Petitioners urge you to heed the prevailing science and the recommendations of human rights treaty bodies, and to honor Canada’s responsibilities to children everywhere. Canada must apply its international climate leadership to all domestic action. It must demonstrate how a major fossil fuels producer and exporter can transition away from these pollutants, blazing a trail for other fossil fuel-reliant economies to follow. It must end the development and export of new oil and gas reserves, and set a plan to quickly phase out existing production fields. It must stop prioritizing short-term economic gains over the future of its children and all children around the world.

We would appreciate a response to this letter within 14 days.

Very sincerely yours,

Michael D. Hausfeld
Counsel

On behalf of signatories:
Greta Thunberg (Sweden)
Chiara Sacchi (Argentina)
Catarina Lorenzo (Brazil)
Iris Duquesne (France)

⁸ Chloé Farand, *Justin Trudeau’s narrow victory lays path for net zero carbon Canada*, Climate Home News (Oct. 22, 2019), <https://www.climatechangenews.com/2019/10/22/justin-trudeaus-narrow-victory-sets-canada-net-zero-carbon-path/>.

⁹ UN Environment Programme Emissions Gap Report 2019 (Nov. 26, 2019), <https://www.unenvironment.org/resources/emissions-gap-report-2019>.



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This material is distributed by Hausfeld on behalf of Alexandria Villaseñor, Carl Smith, Catarina Lorenzo, Chiara Sacchi, Greta Thunberg, Iris Duquesne, Raina Ivanova, Raslene Joubali, Debby Adegbile, Ayakha Melithafa, Ridhima Pandey, Carlos Manuel, Litokne Kabua, David Ackley III, and Ranton Anjain. Additional information is available at the Department of Justice, Washington, D.C.