**Gold Coast Bulletin**

**Young people are suing governments over climate change**

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WHEN a group of teenagers first started taking governments to court over the lack of climate change action, people laughed at them. They are not laughing now.

This week a US court will consider whether 21 young people have a right to sue the US Government, President Barack Obama and other federal agencies, for their failure to tackle climate change.

The young people say they have a constitutional right to life, liberty and property, and this is being violated because of the Federal Government’s support of fossil fuels.

For those that think this is ridiculous, you may yet be proved right. But a similar groundbreaking action in the Netherlands last year was successful, with the government ordered to cut emissions more quickly.

In a separate lawsuit against the state of Washington, the government was ordered to look at its response in reducing greenhouse gas emissions, eventually resulting in Governor Jay Inslee directing regulators to cap emissions and curb them by 50 per cent by 2050.

“Congress and the President have not acted effectively to solve the climate crisis,” lawyer for the plaintiffs Philip Gregory told news.com.au. “As with civil rights cases, the courts must act.”

COMPANIES LINING UP AGAINST TEENS

Some of the biggest polluters in the country are also taking the latest lawsuit seriously. Almost every fossil fuel-related company in America has asked to join the government as defendants in the case. They argue that the case was a “direct, substantial threat to [their] businesses”.

They include some of the most powerful companies in the country such as Exxon Mobil, BP, Shell, Koch Industries as well as 625 oil and natural gas companies. They are putting their substantial resources into making sure the legal action fails.

“The fossil fuel industry would not want to be in court unless it understood the significance of our case,” Mr Gregory said. “This litigation is a momentous threat to fossil fuel companies.”

Renowned former NASA scientist Dr James Hansen has lodged the lawsuit along with the 21 young people, aged between 8 and 20, who are being supported financially by the not-for-profit organisation Our Children’s Trust.

Some of the young people who are suing the US government over climate change. Source: Our Children's Trust.

The case is due to come before the US District Court in Oregon on Wednesday.

If successful the lawsuit would force the government to implement a national plan to decrease carbon dioxide in the air to 350 parts per million by the end of the century.

It would be a stunning acknowledgment of the rights of young people to a clean environment in the future.

One of the teens involved, 15-year-old Xiuhtezcatl Martinez, is also youth director of a group called Earth Guardians, which boasts of leading an “army of teens in over 50 countries to demand sustainable policy from our world leaders”.

Martinez was raised in Colorado in the Aztec tradition and has appeared before the United Nations General Assembly to speak about climate change. He has been part of the environmental movement since he was six.

In a YouTube video, Martinez said people had relied on governments and political leaders to make changes but “it hasn’t happened”.

“Our generation is going to be the most impacted by climate change therefore our generation has the most at stake and we have the most power in this matter,” he said.

Tagging themselves #GenerationRYSE, which stands for Rising Youth Sustainable Earth, the group aims to empower thousands of young people to demand action on climate change.

MORE LAWSUITS LIKELY

The Oregon case is part of a growing movement towards using litigation to force governments to act on climate change.

Professor Timothy Stephens of Sydney Law School, University of Sydney, said he believed the lawsuit was just the beginning.

“I think we will see lots of innovative legal actions right around the world to force governments to act,” Prof Stephens told news.com.au.

“We will see more litigation, especially because governments are not taking meaningful steps to cut emissions.”

A number of legal challenges have already been lodged in Australia over government decisions. While these have so far been unsuccessful, including a challenge to the Adani coal mine, Prof Stephens said people would always try to push legal boundaries.

The fact that Australia did not have a price on carbon also left it open to legal challenge, Prof Stephens said.

While Australia is different to the US and the Netherlands in that it does not have a constitution that enshrines people’s rights, Prof Stephens said legal action could still focus on other areas.

“They might point to the bills of humans rights in Victoria and the ACT — (those states) have a limited charter of human rights,” he said.

There was also the possibility of international action.

Prof Stephens said young people could potentially bring a complaint to the United Nations Human Rights Council about Australia’s failure to act.

While these actions may not be fully successful, over time they may establish certain rights and principles if people kept pushing the legal boundaries.

“If there are enough cases over time the law can change quite rapidly,” Prof Stephens said.

Harvard Professor Naomi Oreskes, who appeared at the Sydney Opera House for the panel discussion For Thought: Hope for the Planet last night, said that Our Children’s Trust had been successful in smaller court cases, arguing that state governments had a duty to protect air and water for future generations.

The lawsuits were a “very bold move” at the time, she said. “When they started this ... people laughed at them,” she said. But these cases have achieved some wins and many were still ongoing.

Environmental activist David Suzuki also spoke about his movement to amend Canada’s constitution to include people’s right to a healthy environment. This would see people’s rights to breath clean air, drink clean water and eat safe food legally recognised at all levels of government.

If the Blue Dot movement managed to change Canada’s constitution, this would put the onus on companies to prove they would not compromise the country’s healthy environment as part of any future development. “It reverses responsibility completely,” Dr Suzuki said.

While many young people may not be old enough to vote or even to bring legal action in Australia, Dr Suzuki said there was still one important thing they could do to address climate change.

“You’ve got to convince two people — that’s your mum and dad to become eco-warriors on your behalf,” he said.

“If you can't convince your father — who cares about you and thinks ahead — then how the hell are you going to convince the whole world?”