

People v. Arctic oil: Appeal to the Norwegian Supreme Court

Briefing note

Greenpeace Nordic and Nature and Youth **are appealing the decision of the Oslo District Court in the *People vs. Arctic Oil* case** (16-166674TVI-OTIR/06). The appeal is filed before the Norwegian Supreme Court.

The Environmental organizations in 2016 sued the Norwegian government for opening up a new area for oil and gas drilling in the Norwegian Arctic (the 23rd licensing round). The Oslo District Court handed down its judgment on 4 January 2018. The appeal is based on the District Court's incorrect application of the law and assessment of the evidence. Here are **a few of the grounds of appeal** developed in the submission:

- **The District Court erred** in interpreting Article 112 in such a way that it limits the duty of the Norwegian government to guarantee the right to a healthy environment. **The District Court found that Norway is only responsible for the greenhouse gas emissions released within Norwegian territory.** By applying such a restrictive interpretation of the Article, the District Court finds the vast GHG emissions from the combustion of Norwegian produced petroleum abroad irrelevant. The Appellants disagree with this approach as the increase of carbon in the atmosphere resulting from the 23rd round is a direct result of the Norwegian government's decision.
- The Appellants also **disagree with the conclusion of the District Court that because the negative climate effect of the decision in isolation have limited impact** (compared to total global and Norwegian emissions), it's not in breach with Article 112. The District Court interpretation that each environmental damaging activity and its consequences will be assessed individually and in isolation, without taking into account cumulative effects is problematic. This fragmented way of assessing the extraction licenses handed out to the oil companies results in the actual negative effects of the licenses being underestimated.
- The interpretation of Article 112 is **contrary to the collective obligations of Norway under the United Nations Climate Change Convention and the Paris Agreement.** By fragmenting the sources of emissions, and considering them one by one, the District Court **bypasses the idea behind both the Paris agreement and the carbon budget.** The evidence shows that the proven petroleum resources in the world are more than sufficient to exceed the temperature goals set in the Paris agreement. The Court fails to reflect upon the fact that the extraction licenses applies to non-proven petroleum resources. It also fails to consider that Norway, as a developed country under the Paris Agreement, has a duty to take the lead in achieving the Paris Agreement's temperature goals.
- The Court's fragmented legal approach to climate change is **fundamentally different from the scientific approach to the same problem**, which considers the globe as a single unit and climate change as a urgent global phenomenon with long-term implications for all countries. The court's approach and conclusion means that it is legal to destroy the environment and the climate, as long as this happens bit by bit.
- The District Court also committed an error in artificially separating the right to exploration and production in the licenses granted. It failed to consider the evidence showing that in practice there is **no opportunity to conduct a full environmental impact assessment at a later stage** once the licenses for exploration have been granted.

- The Appellants also maintain their arguments on procedural errors. The decision to grant the licenses in the 23rd round is **based on a misleading socio-economic assessment, it completely fails to assess the climate consequences of the decision** and the local environmental impacts are not assessed properly.

Where is the appeal filed?

The Environmental organizations **appeal the judgment directly to Supreme Court**. In special cases, only a few a year, the Supreme Court accepts direct appeals from the District Court. If leave is not granted, the appeal proceeds in the Appeals Court.

Judgement in English ([Link](#))