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Media Release

Pacific Threat to Sue Greenhouse Polluters

Australia Faces Years of Legal Action

The announcement at CHOGM today by the Prime Minister of Tuvalu that his country is considering taking legal action against Australia because of its responsibility for global climate change could mark the beginning of years of litigation against greenhouse polluters according to Australia Institute Executive Director Dr Clive Hamilton.

Only 2-3 metres above sea level, Tuvalu faces inundation by rising seas if the projections of the world's climate scientists prove accurate, a fact repeatedly denied by the Australian Government.

"Tuvalu is doing no more than applying a basic principle of law – if someone does you harm then you should be able to stop the aggressor from harming you and seek restitution", said Dr Hamilton.

International legal experts have been studying the issue intensively and have concluded that there are several avenues for a legal challenge against major polluting countries, including filing a case before the International Court of Justice.

A case could also be brought against nations that fail to take measures to cut their emissions before the World Trade Organization, arguing that they gain an unfair trade advantage over other countries that implement effective greenhouse gas abatement measures.

"In addition, the International Covenant on Civil and Political Rights, ratified by the US and Australia, declares that a people may not be deprived of its means of subsistence", said Dr Hamilton. "Yet that is precisely what appears likely to happen in the case of Tuvalu and Kiribati, not to mention millions of Bangladeshis living in the delta regions.

"Australia is especially vulnerable to legal challenge because we have the highest levels of greenhouse gas emissions per person in the industrialised world and our total emissions are greater than those of Italy and France. Also, we heavily subsidise exports of aluminium through cheap electricity", said Dr Hamilton.

"There is a strong legal case for launching a tort action against the electricity and auto industries in the USA, and possibly also in Australia."