More Is Not Less

To focus on land is to focus on material reality. It is to accept that the Earth is both wonderful and finite. People have known for a very long time that growth cannot continue forever within a bounded system. Yet mainstream economics and politics still seeks endless economic growth.

For many years, objections to this disastrous ideological obsession simply fell on deaf ears.

XR blockade Shell in Aberdeen, 2020

But now that the ecological and climate crises are undeniable, a new strategy is employed. Continued pursuit of economic growth is justified by appeal to the idea that this can be 'decoupled' from physical impacts. The story is that ever more ingenious technological and financial fixes can be deployed, keeping economies growing and 'living standards rising' indefinitely, without increasing the ecological footprint of human civilisation.

This ecomodernist dream is attractive to many because it seems to circumvent awkward questions about both lifestyles and politics. But it can never become reality. Increasing efficiency is (sometimes) great, but it's not magic.

Whether the topic is pollution, resource consumption or carbon emissions, what's needed are actual reductions, not just slight declines in the rate of increase. Pointing this out often means swimming against the tide, which *The Land* has never been afraid to do. Nonetheless, there are signs that this tide may be turning.

One such hopeful sign came just as this issue was about to go to press. An ambitious court case brought by Friends of the Earth Netherlands has resulted in oil giant Royal Dutch Shell (RDS) being ordered to cut its total carbon emissions by 45 percent by 2030, compared to 2019 levels.[1]

Duty of Care

This ruling sets two important precedents. First, it establishes that courts can order companies based within their jurisdiction to reduce their emissions, in order to comply with targets set by the Paris Climate Agreement.

The Hague District Court has rejected Shell's claim that such targets are binding only on nation states, not on companies. It ruled that in fact, companies have a duty of care, both under Dutch law and under the European Convention on Human Rights, which obliges them not to endanger life by causing hazardous levels of climate change, as defined by international agreements and scientific consensus.

The judgement builds on a landmark case from 2019, in which the Dutch Supreme Court found that the *government's* inadequate action on climate change violated a duty of care to its citizens. That judgement inspired similar cases in many countries: the UK one failed, but many others are still ongoing.[2]

This new ruling extending legal responsibility to global corporations will also trigger attempts by climate campaigners to replicate the result elsewhere.[3] Judge Larisa Alwin made clear that "compelling common interest ... outweighs the commercial interests of the Shell group".

She had little sympathy for Shell's disingenuous argument that they were being unfairly singled out:

> "The court acknowledges that RDS cannot solve this global problem on its own. However, this does not absolve RDS of its individual partial responsibility to do its part regarding the emissions of the Shell group, which it can control and influence."

Genuine Reductions

Secondly, the ruling specifies that genuine reductions are required in the total emissions arising from the company's fossil fuel production. Shell's current target for 2030 is to "reduce the carbon intensity of its products" by 20 percent, as part of its "efforts to become a net-zero emissions energy company by 2050".[4] Carbon intensity is a measure of the carbon released for each dollar's worth of oil produced. The company blithely denies responsibility for any of the carbon emitted when other people actually burn its products, which of course dwarfs that released in extracting them.

Noting that "it is necessary to reduce worldwide oil and gas extraction", the court pointedly dismissed Shell's existing strategy as "intangible, undefined and non-binding plans for the long term". Offsetting, carbon trading or creative accounting will not do the job: to comply with the ruling, Shell will actually have to leave some of the oil it had planned to extract in the ground.

There will be an appeal, which could take two years or more, and will undoubtedly be hard-fought. However, rejecting Shell's "interest in maintaining the status quo", the judge made the ruling "provisionally enforceable", meaning the company cannot delay action until the appeal is heard. In so doing, she may have averted more carbon emissions in a single day than anyone else ever.

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1. http://climatecasechart.com/climate-change-litigation/non-us-case/milieudefensie-et-al-v-royal-dutch-shell-plc/
2. https://www.urgenda.nl/en/themas/climate-case/global-climate-litigation/
3. https://www.reuters.com/business/legal/big-oil-may-get-more-climate-lawsuits-after-shell-ruling-lawyers-activists-2021-05-28/
4. https://www.shell.nl/media/persberichten/media-releases-2021/reactie-shell-op-uitspraak-klimaatzaak.html#english