

Article 15 Submission Summary: Request to Open Investigation & Request for Reparations Regarding Crimes Against Humanity Of Climate Change.

What is our Goal?

Anthropogenic climate change is a crime against humanity. BP p.l.c's senior executives are central to the story of climate change. In this submission, it is evidenced by how BP's senior executives have known for decades that the pursuit of their common purpose of maximising profits from petroleum expansion and extraction would inflict mass global suffering through climate change.

Students for Climate Solutions New Zealand (SFCS) and the UK Youth Climate Coalition (UKYCC) are requesting the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) to investigate the crime of knowingly causing and perpetuating climate change as a Crime Against Humanity under Article 15 of the Rome Statute. Specifically, the report requests an investigation into BP Senior Executives for their role in causing climate change in pursuit of their common purpose of maximising petroleum profits, and as such are seeking reparations under the loss and damage mechanisms prescribed by Article 8 of the United Nations Framework Convention on Climate Change's Paris Agreement. We have created the campaign "ClimateCrime" to launch the submission into public awareness.

Role of the ICC

The nature of climate change is global and the impacts shock the conscience of humanity. The suffering that has been, is currently being, and will continue to be caused by the pursuit of maximising petroleum profits, in addition to the corporate veil preventing any domestic institution from having jurisdiction to consider the acts of senior executives means the ICC is the only court with the ability to provide adequate legal remedies.

For the purposes of this case, the fact pattern constituting the "other inhumane acts" of climate change is defined as follows:

- (i) the infliction of great suffering, or serious injury to the body or to mental or physical health, with the awareness of the factual circumstances that established the character of the act;
- (ii) through significant deleterious effects on human health and welfare;
- (iii) from the change of climate attributed directly or indirectly to human activity;
- (iv) that alters the composition of the global atmosphere, which is in addition to the natural climate variability observed over comparable time periods.

The Facts: Climate Change as a crime against humanity

There is overwhelming evidence to establish the crime base of climate change as a crime against humanity of "other inhumane acts", demonstrated in the evidencing of similar

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characteristics to other enumerated acts under crimes against humanity, namely: death, forcible transfer of populations; serious injury to physical or mental health through extreme weather events, storms, and flooding; droughts and fires; health and disease; food insecurity and biodiversity extinction; and persecution through climate change harm for specific identifiable groups on national, ethnic and cultural grounds, such as nations in the Pacific regions, low-lying states, and indigenous peoples culturally connected with environments under destruction through climate change impacts.

Evidence referenced to this includes:

- Non-optimal temperatures have been linked to increased annual mortality rates of 9.4% globally between 2000 and 2019 which is estimated at 5 million people. In addition, scientists have calculated the “mortality cost of carbon” and have assessed the excess deaths due to climate change within one scenario at between 2020 and 2100 at over 83 million people.
- In Pakistan, over 33 million people have been internally displaced following the 2022 flooding of over a third of the entire country. In addition the 2022 climate change floods in Malawi resulted in more than 90,000 people displaced. In 2013 extreme weather event Typhoon Haiyan in the Philippines caused 7353 deaths, 27,000 injuries, and left more than 4 million people displaced.
- According to climate scientists, if global warming continues to trend to 2-3 degrees Celsius, hurricane rainfall would increase by 26.5% and wind speeds by 25 knots. Extreme weather events cause death, disease, and destruction of homes, and loss of livelihood comprising 80 million full time jobs by 2030.
- The risk of further climate change induced irreversible biodiversity loss and the ensuing human suffering is scientifically assessed as very high risk for forest ecosystems, kelp and seagrass ecosystems, arctic sea-ice and terrestrial ecosystems, and warm-water coral reefs. In the Brazilian Cerrado, climate change has caused the extinction of 657 plant species. Overall, anthropogenic climate change has negatively impacted global biodiversity at an unprecedented scale.

The Facts: Role of BP

BP Senior Executive knowledge of climate change and its harmful effects

BP senior executives have had full knowledge of the climate crisis and the human suffering caused by maximising petroleum profits since the 1950s, having overseen investment into research on the properties of greenhouse gases. They contributed to industry-led scientific research into climate change, which was intentionally hidden from the public through BP’s membership and financial contributions to the American Petroleum Institute (“API”).

Throughout the 1950s to 1970s, API funded a research proposals and endeavours which reported on how fossil fuels caused carbon dioxide levels to rise, culminating in proving the nexus between petroleum products and climate change. In the 1965 API annual meeting, the API president asserted:

“Carbon dioxide is being added to the Earth’s atmosphere by the burning of coal, oil, and natural gas at such a rate that by the year 2000 the heat balance will be so modified as possibly to cause marked changes in climate beyond local or even

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national efforts [...] ‘the pollution from internal combustion engines is so serious, and is growing so fast, that an alternative non-polluting means of powering [...] is likely to become a national necessity.’”

BP senior executives have publicly admitted fossil fuel-induced climate change science, and their role in it, since at least 1990 when they oversaw the release of two company documentaries directly linking human suffering from climate change to BP’s common purpose of maximising petroleum profits. By 2013, the prominent role of BP in causing the climate crisis was analysed within climate change attribution science when Richard Heede revealed that 90 companies are responsible for producing two-thirds of the carbon that has entered the atmosphere since the start of the industrial age in the mid-18th century.

BP’s Senior Executive Actions

In terms of culpability, the submission alleges that senior executives of BP, armed with the knowledge of fossil fuel-driven climate change and its mass harm, conducted 5 types of behaviours to further prioritise the common purpose of maximising petroleum profits, over any concerns around climate change.

Publicly available information evidence that they were and/or are continuing to:

- Create **doubt** by sowing distrust in climate change science,
- Entrench **dependency** on BP’s petroleum products on the false pretence that they are a necessary and viable solution to climate change,
- Cause **delays** to urgent climate policy by portraying climate change as a far-future issue,
- Foster **deception** of governments and the wider public through misleading marketing of BP as a renewable energy company, strategic communications that shifted responsibilities for carbon emissions onto individuals, and the promotion of false solutions, such as yet-to-be-invented technology, that prolong the use of fossil fuels.
- Ensure **dominance** through attempts to control and influence political processes via systematic lobbying and campaign financing.

The full extent of this evidence can not be summarised appropriately within this submission summary, and therefore we implore you to refer to pages 50 to 68 in the full submission for more details. However, some reference cases include:

- **Throughout the 1980s, 90s and early 2000s**, senior executives made speeches undercutting the climate science outlined in documentaries released by BP. Former managing director **Patrick Gillam**, former Chief Executive **John Browne**, Former deputy Chief Executive **Rodney Chase**, Former group vice president for strategy and policy development, **Nick Butler**, all made claims articulating climate science as uncertain and complex.
- BP senior executives oversaw materials prepared for school curricula which asserted false claims, including that the greenhouse effect “is not in itself harmful to man or the environment”.

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- Rhetoric calling for a “slow journey”, “long and gruel process” contributed to the delaying efforts of BP senior executives, and was advocated directly through oversight from BP executives who discouraged local groups from taking action regarding climate change.
- Senior executives even oversaw the coining of the term “carbon footprint” to advance deceptive transference of responsible from BP senior executives to individual consumers through aggressive advertising and marketing.
- The 2022 InfluenceMap report found that BP senior executives oversaw 61% of marketing statements making green claims, whilst BP senior executives only “reported spending on clean energy exceeding 1% of total capex for eight years” between 2009 and 2020.
- BP senior executives oversaw BP membership of climate denial lobbying groups, such as the American legislative exchange council, who blocked laws to reduce greenhouse gases in 16 US states – BP later left ALEC in 2015 citing disagreement over the position of climate denialism despite being a member of the organisation overseeing said efforts for decades
- In 2015, officials in UK government reported that “the presumption that the British government should have an intimate relationship with ... BP...was in the air you breathed”.

Conclusion

BP’s senior executive's role in knowingly causing and perpetuating climate change and our allegations, supported by extensive expert evidence, show that their actions have directly caused great suffering on a global scale. It is vital that BP senior executives be held accountable and be made to pay a fair portion of the costs to remedy the damage and suffering they have caused.

Furthermore, although this case is limited to our allegations regarding the role of BP’s senior executives, we do not underestimate the contributions of other large actors and hope that other claimants can use our case as a template to support their own justice initiatives.