



CAMPAIGN LEADER NINE DE PATER:

**'The whole world was looking on'**



**In the space of two years, Nine de Pater rose from doing voluntary work at Milieudedefensie to being the campaign leader for the court case against Shell's climate policy. A unique case internationally, which was won in May 2021. 'Companies can no longer just sit back until the government comes up with a climate policy.'**

TEXT ALBERT SIKKEMA PHOTOGRAPHY ALDO ALLESSIE

**S**hell must reduce its CO<sub>2</sub> emissions by 45 per cent over the next 10 years, compared with the level in 2019. This was ruled by the District Court in The Hague in May this year in a case brought by the Dutch branch of Friends of the Earth and six other environmental organizations. The ruling made an impression internationally because for the first time, a company was held responsible for harmful climate change. Nine de Pater (29) supported the lawyer of Milieudedefensie (Friends of the Earth Netherlands) with the preparatory research on the climate and Shell's policy. She had been working on the court case for Friends of the Earth since 2018, first as a researcher and then as the campaign leader. 'I started as a volunteer at Friends of the Earth in 2018, after graduating in Environmental Sciences at Wageningen. Then a vacancy came up for a researcher for the climate case against Shell. A team was already working on the Shell case, and the lawyer had recently written to Shell, saying, bring your policy in line with the Paris Climate Agreement, otherwise we will take you to court. Friends of the Earth had been campaigning and talking to Shell about climate measures for years, but it wasn't working. I was appointed to work on the last option left: a lawsuit. I was very

excited about it: I felt I was going to contribute to something that could really make a difference.'

#### **What did your research entail?**

'One of my colleagues and I worked on gathering the evidence to support the legal summons delivered to Shell. For example, I read the reports of the Intergovernmental Panel on Climate Change, which provided the scientific evidence for climate change and projected how dangerous the problem is going to become. We also had to explain what the climate problem is. We worked on the assumption that the judge was not an expert, so we should explain what CO<sub>2</sub> is and how it gets into the atmosphere.'

#### **Did you do research on Shell's policy as well?**

'I looked into the background to their defence, which meant their investments, the figures, and the company's absolute CO<sub>2</sub> emissions. I read Shell's annual reports, where the investments are explained, and I studied the database with data on fossil fuel companies. We could conclude from that that Shell is not on track to achieve its own climate targets. In the coming 10 years, its investments will lead to growing CO<sub>2</sub> emissions. We think the climate ambitions >



## THE CLIMATE CASE VERDICT

According to the court, Shell's headquarters in The Hague is responsible for the emissions of its 1100 subsidiaries, which are located in 70 countries. The court ruled in May 2021 that Shell has an independent obligation on the basis of human rights to 'do what it can to prevent dangerous climate change', regardless of whether the countries the company operates in are aiming at this. The court makes a distinction between the emissions Shell causes itself and those coming from suppliers and buyers, such as customers filling their vehicles with fuel at petrol stations. With regard to the company's own emissions, the court imposed a compulsory reduction of 45 per cent. And with regard to suppliers and end users, the concern has 'a significant best-efforts obligation'.

they express in press releases are worthless, because those investments will have an effect on the company's CO<sub>2</sub> production for another 30 years. It's quite a technical story, but that's the evidence we presented to the court. Shell's climate policy is full of calculation tricks with which the company gets to carry on polluting the planet. Figuring that out and explaining it wasn't easy, but it was very important in the court case.'

**You calculated not only Shell's own CO<sub>2</sub> emissions, but also those of all the products they supply to other companies.**

'Correct. The Shell factories themselves produce 15 per cent of Shell's CO<sub>2</sub> emissions, and the other 85 per cent come from the products the company supplies to other parties. We think you should count that 85 per cent, and research institutes and the International Energy Agency think so too. Shell thought that was unfair, but the court found for us.'

**How did you go from researcher to being campaign leader?**

'I spent one and a half years reading reports and constructing arguments. We did this as a team. The lawyer, the other researcher and

I assessed all the data and weighed up the facts and figures. But the other researcher left and a bit later, in early 2020, the campaign leader at Friends of the Earth left too. I was appointed to that job shortly afterwards. Suddenly I was the person who knew the most about the climate research and the campaign, so I could get promoted quickly at Friends of the Earth.

'At the end of 2019, I realized we were working on a unique case. I went to the climate summit in Madrid, where I was asked to sit on various panels, because everyone wanted to know how it was going. Normally I sat reading reports; then I suddenly realized the whole world was looking on.

'That was also when Urgenda won the first climate case against the Dutch state in the highest court in the land, the Supreme Court. Then we saw that climate activists really could win a climate case on legal grounds. That gave us a massive energy boost.'

**How did your court case go?**

'In December 2020, we had court hearings for four days at the court in The Hague. Our team from Friends of the Earth stayed in a nearby hotel and we had prepared for all kinds of questions and scenarios.

## ‘I realized we were working on a unique case’

Luckily, we had three extra researchers at our disposal, because we often had to work through the night on additional papers and pleas. But the hearing went very well; we had prepared well for all Shell’s counterarguments, and we had a lot of options and texts ready. As it turned out, we only needed a few of them for the case. But the ruling, the victory, was still a surprise because we didn’t know what to expect and we had no reference points.’

### Was your Wageningen degree useful?

‘I studied Environmental Sciences and took the Environmental Policy track, specializing in Policy and Economics. I learned a lot during my studies about political and economic systems and how to do research on them. Case studies are often central in Wageningen lectures, so you learn to link theories with practice. That was very relevant for my research for Friends of the Earth. ‘In Wageningen I also gained experience of climate protests and campaigning. I was in the student organization Fossil Free Wageningen, in which we did research on the fossil industry and its links with WUR. We discovered, for example, that the banks WUR had its accounts with had investments in the fossil industry. We called on WUR to switch banks to do their bit for the climate. A lot of politically aware students in Wageningen were organizing discussions and consciousness-raising evenings. We also mobilized students for demonstrations.’

### The Shell case has been won. What now?

‘It’s not over yet. Shell is going to appeal. We’re waiting to see which points the company bases its appeal on. But this ruling has already set a precedent. There are a lot

more companies that are contributing to the climate crisis. Now that the court has ruled it illegal for companies to be the cause of harmful climate change, they too will have to establish how big their contribution is.’

### Are you preparing for new court cases?

‘Not yet, but we are going to challenge other companies on their responsibilities. Our director has already been to visit Tata Steel in IJmuiden, a company that is one of the biggest polluters in the Netherlands. But there are also the airlines and the transport sector, that produce a lot of CO<sub>2</sub>. This Shell case has really changed things for companies. They can’t just sit back and wait for the government to come up with a climate policy. They’ve got to do something themselves.’

### Are you going to tackle the food industry too?

‘There are food sectors that contribute to the climate crisis. I’m thinking particularly of the meat and dairy sectors, with their methane emissions and soya imports, for example. The verdict has implications for that industry too. But in the first instance, we think companies should take responsibility themselves, and we are not going to launch new court cases straightaway. What is more: why should we always be the ones to do it? Other organizations can learn from our approach and take companies to court themselves. Perhaps we will start an expertise centre to teach people how to go about bringing a climate case against a company.’

### Where do you get your drive for activism from?

‘My first demonstration was against the war in Iraq, which I went to with my mother and sister. That was my introduction to

mass demonstrations. I have always hated injustice, and I used to sign petitions from Amnesty International and the WWF. As a student I began to realize that if we want change, we’ve got to get organized. We’ve got to turn awareness into action. If you reach enough people with your message, you will be heard. While I was at university, I did courses that taught me how to do that effectively. Wageningen was a good training ground.’ ■



### NINE DE PATER (29)

#### Job:

Milieudefensie campaign leader in the Shell climate case

#### Degrees:

WUR BSc in Biology, 2014  
WUR MSc in Environmental Sciences, 2018