



the global voice of
the legal profession®

International Bar Association

Climate Crisis Statement

There is a consensus within the scientific community that climate change represents an urgent and potentially irreversible threat to humanity and life on the planet: the increase in global temperatures, rising sea levels and ever-increasing amounts of carbon dioxide, methane, nitrous oxide and other greenhouse gas emissions in the atmosphere have all contributed to this threat. These changes are increasingly being recognised as culminating in a 'climate crisis'. The failure to respond effectively will be disastrous for the earth's current inhabitants and future generations and is already impacting the planet's capacity to support a prosperous society and economy.

A global response to the climate crisis will undoubtedly give rise to increased disputes, with lawyers representing the legal interests and rights of all sides. Parties to these disputes will include states, corporations, communities, civil society organisations and individuals who are the most vulnerable to the impacts of the climate crisis. The legal profession must be prepared to play a leading role in maintaining and strengthening the rule of law and supporting responsible, enlightened governance in an era marked by a climate crisis.

The International Bar Association (IBA):

Being the global voice of the legal profession;

Working with the global legal community to promote and protect human rights, and to contribute to global stability and peace through the promotion and protection of the rule of law;

Stressing that lawyers are required to act in accordance with professional conduct rules of their jurisdiction, including treating clients' interests as paramount, as reflected in the IBA's 'International Principles on Conduct for the Legal Profession';¹

Recognising that lawyers have an important role to play in addressing the climate crisis and its consequences, including by supporting their clients' efforts to do so;

Acknowledging the impact of climate change and the current climate crisis on the world's inhabitants and its natural environment, and its disproportionately negative impact on all living creatures, but especially the poor and those who have contributed least to it, most notably those living in developing countries;

Accepting that failure to address the challenges posed by the climate crisis already has and will have even more devastating consequences, including social, security and human rights impacts, for billions around the world – irrespective of nationality, wealth, or education – and particularly the world's most vulnerable;

Noting that the economic impact of the climate crisis on states, corporations, communities and individuals will be catastrophic, contributing to destabilising the natural environment, migratory crises, increased food insecurity, devastating long term effects on health and increased conflict;

Noting the increasing concerns expressed by central banks, monetary authorities, supervisors and leading economic institutions about the potential for climate change to materially impact on financial stability and economic growth;²

Accepting the consensus supporting decades of climate science reports, including the work of the Intergovernmental Panel on Climate Change and the findings in *United in Science*, a high-level synthesis report published by the United Nations in September 2019;³

Commending the previous and current work of IBA Committees and members addressing the challenges posed by the climate crisis;⁴

Recognising specifically the work of the IBA Climate Change Justice and Human Rights Task Force (the Task Force) in creating the *Achieving Justice and Human Rights in an Era of Climate Disruption*⁵ and *Model Statute for Proceedings Challenging Government Failure to Act on Climate Change*⁶ reports, supporting the recommendations therein, and commending current work towards producing a report on the 'Legal Aspects of Climate Change Adaptation';

Recalling the UN's Sustainable Development Goals (SDGs) – particularly Goals 1, 7, 13 and 16⁷ – and the recognition that ending poverty and other deprivations must go hand-in-hand with strategies that improve access to justice, health and education, reduce inequality and spur economic growth – all while tackling climate change and working to preserve our oceans and forests;

Endorsing the acknowledgement in the Paris Agreement that the climate crisis is a common concern of humankind and that action to address the climate crisis must respect, promote and consider states' obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women and intergenerational equity in a sustainable manner;⁸

Recognising the work of numerous international bodies that have been influential in combatting the climate crisis, including international agreements, resolutions, endorsements, publications and initiatives;⁹

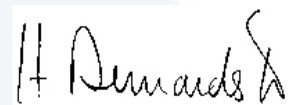
Acknowledging the recent developments and efforts by international, national and inter-governmental bodies to enshrine climate neutrality targets into law;

Supporting international efforts and recognition of the need for a just transition towards carbon neutrality in a fair and inclusive manner to support the global regions, industry sectors, workforces and communities most affected by the climate crisis and supporting the transition for the private sector; and

Resolves:

1. The IBA urges lawyers, acting in accordance with their professional conduct rules and the rule of law, to consider:
 - taking a climate conscious approach to problems encountered in daily legal practice;
 - advising clients of the potential risks, liability, and reputational damage arising from activity that negatively contributes to the climate crisis;
 - encouraging corporate clients to voluntarily disclose the risks posed by the climate crisis to the corporation's entire business operation (including supply chains) when reporting to regulators, investors, and stakeholders; and
 - engaging in climate dispute resolution generally (including mediation, negotiation or litigation), and specifically on a pro-bono, volunteer or reduced fee basis, for those negatively affected by the climate crisis.
2. The IBA encourages lawyers to engage with current and future legislative and policymaking efforts to address the climate crisis and consider:

- supporting a just transition towards carbon neutrality in a fair, sustainable and inclusive manner to support the global regions and industry sectors most affected by the transition towards carbon neutrality on account of their current dependence on fossil fuels or carbon-intensive processes;
 - supporting the removal of legal barriers to the reduction of carbon emissions to achieve climate neutrality as soon as practicable;
 - supporting proactive laws and policies to address future risk to populations that are, or potentially could be, vulnerable to the devastating effects of the climate crisis;
 - encouraging industry sectors, especially those in developing countries, to engage in and advance efforts towards creating sustainable business models that actively address and mitigate the impacts of the climate crisis;
 - promoting legal innovation so impact investors and environmental funders can further engage with and address the climate crisis through supporting social and environmental entrepreneurs with specific incentives; and
 - supporting the recommendation in the IBA report *Achieving Justice and Human Rights in an Era of Climate Disruption* that calls for the immediate creation of an international ad-hoc arbitral body specifically for environmental litigation, and the eventual establishment of an International Court for the Environment.
3. The IBA implores lawyers to support and engage with the SDGs, particularly Goals 1, 7, 13 and 16, on the understanding that the rule of law is enshrined in Goal 16, which all lawyers should already respect and promote.
4. The IBA recommends that bar associations, law societies and similar bodies around the world each consider:
- engaging with law students and schools concerning education on legal elements of the climate crisis and its impact on human rights;
 - developing practical educational tools for qualified lawyers to use in continuing their legal education and implementing the IBA's forthcoming publication, *Framework Model Curriculum on Continuing Legal Education in Environmental Law*;
 - establishing a committee focusing on the climate crisis and its consequences (where not already in place) to encourage lawyers and legal practices to actively support, engage with and record their efforts in combatting the climate crisis; and
 - calling upon lawyers and legal practices in their respective jurisdictions to report their efforts in combatting the climate crisis to the climate crisis committee for analysis and cross comparison to develop best practice guidelines for others in the jurisdiction.
5. The IBA urges lawyers, as influential figures and thought leaders within society, to live responsibly in the face of the climate crisis and, where possible, take steps to:
- reduce their environmental footprint through awareness of the impact of everyday actions; and
 - supporting positive changes in the workplace, including adoption of more sustainable practices, such as greater reliance on electronic file storage facilities and digital technologies, more energy efficient office infrastructure and more climate-friendly travel and procurement choices.



Approved by Horacio Bernardes Neto

IBA President 2019-2020

5 May 2020

¹ www.ibanet.org/Article/NewDetail.aspx?ArticleUid=BC99FD2C-D253-4BFE-A3B9-C13F196D9E60.

² Bank for International Settlements, the Sustainable Insurance Forum, the Central Banks' and Supervisors' Network for Greening the Financial System, the OECD and World Economic Forum.

³ https://public.wmo.int/en/resources/united_in_science.

⁴ Articles by members of the Committees forming SEERIL; SEERIL's quarterly publication, *Journal of Energy & Natural Resources Law*; and IBA Global Employment Institute's *Climate Change and Human Resources Policies Report* (2017).

⁵ www.ibanet.org/PresidentialTaskForceClimateChangeJustice2014Report.aspx.

⁶ www.ibanet.org/Climate-Change-Model-Statute.aspx.

⁷ Goal 1 aims to end poverty in all its forms everywhere; Goal 7 aims to ensure access to affordable, reliable, sustainable and modern energy for all; Goal 13 calls upon states to take urgent action to address the climate crisis and combat climate change and its impacts; and Goal 16 (particularly targets 16.3 and 16.5) which link the promotion of the rule of law, equal access to justice for all, and anti-corruption and anti-bribery to sustainable development. The IBA believes that achieving Goal 16 will promote the realisation of the other Goals.

⁸ https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

⁹ Human Rights Council Resolution 38/4 of 5 July 2018 (A/HRC/RES/38/4) declaring climate change as a human rights issue because of its devastatingly adverse effects on the full enjoyment of human rights, and the specific need for developing countries to lift their citizens out of poverty, see <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/214/16/PDF/G1821416.pdf?OpenElement>; United Nations Guiding Principles on Business and Human Rights (2011) enshrines the corporate responsibility to respect human rights and the requirements that stakeholders, communities and other victims of harm have access to remedy, see www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

