



THE LAW ASSOCIATION OF ZAMBIA CLIMATE CHANGE STATEMENT

Noting that on the 9th of December 2016, the Republic of Zambia ratified the Paris Agreement to the United Nations Framework Convention on Climate Change whose objective is to hold the increase in global warming to “well below 2°C” and to pursue efforts to limit the increase to 1.5°C above pre-industrial levels;

Recognising the consensus within the scientific community that climate change poses an urgent and existential threat to human and animal life on the planet;

Accepting the climate science reports including the work and findings of the Intergovernmental Panel on Climate Change that climate change is anthropogenic and that substantial and immediate and long-term actions are required to mitigate its impacts;

Recognising that the impacts of climate change has disproportionately negative effects on those who have least contributed to it and particularly the poor living in developing countries;

Recognising the urgent need to address the interrelated crises of biodiversity loss and climate change together;

Acknowledging the fundamental role historically played by lawyers in influencing positive change in society, through law reform including by supporting their clients and their employers and that such influence can be leveraged in addressing climate change;

Cognisant of the mandate of the Law Association of Zambia under section 4 of its founding statute, the Law Association of Zambia, Chapter 31 of the Laws of Zambia, to use the instrument of the law to further the growth of society and that this role cannot be fully and effectively discharged without regard to the existential threat posed by climate change.

Recognising the essential role of the legal profession in the advancement of the rule of law, human rights and the promotion of access to justice, which are vital elements in the growth of society but are threatened by the impacts of climate change;

Acknowledging the growing expectations for lawyers to play a leading role not only in upholding the rule of law but also in supporting responsible and enlightened governance in an era of climate change;

Mindful that lawyers are required to act in accordance with professional conduct rules of their jurisdiction, including upholding their clients' interests as reflected in their respective Bar Associations rules;

Noting the International Bar Association's Climate Crisis Statement made on the 5th of May 2020:

Resolves to:

1. *Urge* lawyers, while acting in accordance with the prescribed rules of professional conduct and upholding the rule of law, to take an active climate conscious approach to matters arising in the course of their daily law practice by inter alia:
 - 1.1. *having regard* to the likely impact of any dispute or matter arising in law practice on climate change;
 - 1.2. *undertaking* climate-related dispute resolution including through litigation and alternative dispute resolution mechanisms such as negotiation, mediation and arbitration on behalf of the poor and vulnerable who are most negatively affected by impacts of climate change and to endeavour where possible, to do so on a pro-bono or reduced fee basis in order to ensure affordable access to justice for those so affected;
 - 1.3. *advising* corporate clients on the advantages of voluntary disclosure of the climate-related risks associated with their business operations (including supply chains) and encouraging them to disclose the said risks in their reports to regulators, investors and other relevant stakeholders at every stage of their operations including assessment, monitoring, management and mitigation of such risks;
 - 1.4. *further advising* corporate clients on:
 - a) the potential risk and liability as well as reputational damage that may be caused by business activities that have a negative contribution to climate change; and
 - b) how they can contribute to addressing climate change while pursuing their business objectives.

- 1.5. *engaging* with current and future national law development and policy making efforts for addressing climate change, the protection of human rights of those most affected by it and the implementation of rules and policies in accordance with the climate commitments made under international treaties and domestic law;
- 1.6. *advancing* legal education and building capacity within their law firms on climate-related matters in recognition of the inescapable effects of climate change on law practice;
- 1.7. *adopting* practical steps where possible, to reduce the environmental impact of their law practice and implement measures which support positive change in the work place and mitigate their contribution to climate change including; adoption of sustainable practices such as placing greater reliance on electronic storage of files, maintaining an energy-efficient office infrastructure, use of digital technology and making climate-friendly travel and procurement choices; and
- 1.8. *reporting* on efforts made to combat climate change and the outcomes of such efforts.

Resolves further to:

2. *Support* the work of the Law Association of Zambia Task Force on Climate Change and to encourage lawyers and law firms to actively engage with the programs and activities of the Task Force to entrench climate competence lawyering;
3. *Support* at the international level, the recommendation of the International Bar Association (IBA) as contained in the IBA report on 'Achieving Justice and Human Rights in an Era of Climate Disruption' for the creation of an international ad-hoc arbitral body specifically for environmental litigation and eventual establishment of an International Court for the Environment;
4. *Support* at the national level, the establishment of a special environmental court as a means of strengthening environmental and climate protection and enhancing access to environmental justice;
5. *Encourage* lawyers and law firms to engage with law schools and other institutions of higher learning on the subject of climate change and its impacts on human rights and with the development of career paths for lawyers interested in pursuing climate change-related disciplines or enhancing practice

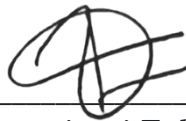
areas by prioritising ways in which their law practice can promote climate-related aspects such as Environmental and Social Governance standards, clean energy, sustainable finance law, etc.;

6. *Encourage* development of practical educational tools for qualified lawyers to use in continuing their legal education in climate change and environmental law;
7. *Support* the business community and the Government through the Ministry of Green Economy and Environment in green initiatives and climate change interventions including development of supportive legal framework.
8. *Collaborate* with all similarly minded stakeholders towards the climate change agenda and green initiatives; and
9. *promote* legal innovation to impact investors, donors and environmental funders with the view to encouraging them to further engage with and address climate change by providing support to social and environmental entrepreneurs.
10. *encourage* lawyers and their clients to take stock of their carbon footprint, reduce their own operational carbon emissions in line with the country's nationally determined contribution targets, and report on progress.
11. *engage* with climate change-related legislative, regulatory and policy reforms.
12. *develop* education tools or guidance to support solicitors to consider the likely impact of that matter on the climate, in a way which is compatible with lawyers' professional duties and the administration of justice.
13. *urge* law firms and organisations that support the legal industry to operate in a way that aligns with the temperature goals of the Paris Agreement, for example, by adopting science-based targets, adopting measure to reduce the environmental impact of their business, and reporting publicly on progress.
14. *urge* lawyers (in a way which is compatible with their professional duties and administration of justice), to advise clients on: how they can achieve their objectives in ways which mitigate the effects of the climate crisis and promote climate adaptation; and potential legal risks and liabilities that may arise if they negatively contribute to the climate crisis.
15. *encourage* lawyers to do all they can to address the causes and consequences of the climate and ecological crises and to advance a just transition to a low emissions future.

16. *support* the government to take specific actions to address climate change, including, for example, developing and implementing mandatory greenhouse gas emission reduction regulations and carbon pricing; ensuring the realisation of human rights including the rights to effectively implementing and reviewing relevant laws that aim to protect ecosystems and restore biodiversity; committing to promote protection of environmental human rights and other human rights; empowering vulnerable groups to actively participate in climate and environmental decision-making processes; support the just transition of workers, small and medium businesses, and communities; and promoting circular economy practices.

17. *support* the legislature, judiciary and transnational corporations to take steps that comply with the United Nations Guiding Principles on Business and Human Rights.

Dated this 11th day of October 2024.



Lungisani Zulu
PRESIDENT